

**City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
November 10, 2004**

Mayor David Dermer
Vice-Mayor Simon Cruz
Commissioner Matti Herrera Bower
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

Visit us on the Internet at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

REGULAR AGENDA

R5 - Ordinances

- R5A An Ordinance Amending Ordinance Number 2003-3411 By Amending The Restrictions On The Locations Where Panhandling Is Prohibited And Providing For Repealer, Severability, And An Effective Date. **11:00 a.m. Second Reading, Public Hearing** (Page 254)
(Requested by Vice-Mayor Richard L. Steinberg)
(First Reading on October 13, 2004)
- R5B An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance, By Establishing The Classifications Of Field Inspector I, Field Inspector II And Parking Dispatcher In Group IV, Being Those Classifications Covered By The Communication Workers Of America (CWA), Local 3178; Transferring The Titles Of The Classifications Of Backflow Coordinator, Carpenter Supervisor, Central Services Supervisor, Lead Mechanic, Sanitation Operations Supervisor, Service Supervisor, And 911 Communications Records Custodian From Group VI, Being Other Classifications In The Classified Service Not Covered By A Bargaining Unit, To Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida (GSAF), OPEIU Local 100; Providing For A Repealer, Severability, Effective Date And Codification. **11:15 a.m. Second Reading, Public Hearing** (Page 258)
(Human Resources)
(First Reading on October 13, 2004)

R5 - Ordinances (Continued)

- R5C Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance, By Establishing The Classifications Of Code Compliance Division Director, Cultural Facilities Manager, Field Monitor, Geographic Information System Analyst And Senior Management Analyst; Amending The Titles Of The Classifications Of Beach Patrol Captain To Ocean Rescue Division Chief, Field Inspector To Field Supervisor, Management & Budget Director To Budget & Performance Improvement Director, And Right Of Way Supervisor To Right Of Way Manager; Providing For A Repealer, Severability, Effective Date, And Codification. **11:16 a.m. Second Reading, Public Hearing** (Page 271)
(Human Resources)
(First Reading on October 13, 2004)
- R5D An Ordinance Amending Ordinance No. 1335, The Classified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual And Sick Leave For The Fraternal Order Of Police (FOP), The International Association Of Fire Fighters (IAFF), And Classified Employees Not Covered By A Bargaining Unit And Known As The Group "Others"; Providing For A Repealer, Severability, Codification, And An Effective Date. **11:17 a.m. Second Reading, Public Hearing** (Page 284)
(Human Resources)
(First Reading on October 13, 2004)
- R5E An Ordinance Amending Ordinance No. 1613, The Unclassified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual And Sick Leave; Providing For A Repealer, Severability, Codification, And An Effective Date. **11:18 a.m. Second Reading, Public Hearing** (Page 291)
(Human Resources)
(First Reading on October 13, 2004)
- R5F CCC, Civic & Convention Center District Regulations Regarding Required Parking
An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; Division 7. "CCC, Civic And Convention Center District," By Creating A New Section 142-368 Entitled "Offsite Parking," Providing That Required Parking Provided For Uses In This District, Located Off-Site Pursuant To Section 130-36, Shall Not Be Included In Permitted Floor Area Wherever Located; Providing For Codification, Repealer, Severability And Effective Date. **11:30 a.m. Second Reading, Public Hearing** (Page 296)
(Planning Department)
(First Reading on October 13, 2004)

R5 - Ordinances (Continued)

- R5G An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," Subdivision IV, "RM-2 Residential Multifamily Medium Intensity," And Division 15, "TH Town House Residential District," By Amending Section 142-156, Section 142-218 And Section 142-606, Respectively, To Establish Revised Standards For Parking Lot Setback Requirements When There Is An Approved Street Improvement Plan That Incorporates A Public-Private Parking Agreement With The City; Providing For Repealer, Codification, Severability And An Effective Date. **5:01 p.m. Second Reading, Public Hearing** (Page 305)
(Planning Department)
(First Reading on October 13, 2004)
- R5H Interim Controls Amendment - Adopted Neighborhood Conservation District Enabling Ordinance An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 118, "Administration And Review Procedures," Article XI, "Neighborhood Conservation Districts," By Creating A New Section 118-708, Entitled "Enforcement Of NCD Regulations And Criteria; Application Of Equitable Estoppel To Permits And Approvals,"; Providing For Codification; Repealer; Severability; And An Effective Date. **5:05 p.m. Second Reading, Public Hearing** (Page 314)
(Planning Department)
(First Reading on October 13, 2004)
- R5I An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 130 "Off-Street Parking," Article III, "Design Standards," By Permitting Temporary Parking Lots In The MXE, "Mixed Use Entertainment" Zoning District That Face Collins Avenue, An Additional Time Period Of 5 Years; Clarifying Sign Regulations For Temporary Lots And Modifying The Landscape Standards; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading** (Page 327)
(Planning Department)
- R5J An Ordinance Amending Chapter 2 Of The City Code Entitled "Administration;" By Amending Article III Entitled "Agencies, Boards And Committees;" By Amending Division 15 Entitled "Florida Sister Cities Program" To Correct The Name To Read The "Miami Beach Sister Cities Program" Throughout Division 15; And By Amending Section 2-181(D), Entitled "Composition," By Amending The Membership Of The Sister Cities' Coordinating Council And The Provisions Regarding Term Of Service; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading** (Page 336)
(Requested by Mayor David Dermer)

R7 - Resolutions

- R7A A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Southern Half) Of The West 59th Street Street-End, West Of North Bay Road, In Favor Of Roger J. Schindler And Leslie Schindler, As Owners Of The Adjacent Residential Property, Located At 5860 North Bay Road; Retaining Utility Easement Rights Within Said Vacated Portion Of The Street-End; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review And Approval Of Same By The City Attorney's Office. **10:15 a.m. Public Hearing** (Page 341)
(Public Works)
(Continued from October 13, 2004)
- R7B A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Northern Half) Of The West 59th Street Street-End, West Of North Bay Road, In Favor Of William Thomas Harris III And Richard Koenigsberg, As Trustees For The "Tom Harris Trust", As Owners Of The Adjacent Residential Property, Located At 5900 North Bay Road; Retaining Utility Easement Rights Within Said Vacated Portion Of The Street-End; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review And Approval Of Same By The City Attorney's Office. **10:15 a.m. Public Hearing** (Page 350)
(Public Works)
(Continued from October 13, 2004)
- R7C A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Southern Half) Of The West 56th Street Street-End, West Of North Bay Road, In Favor Of Mary Elizabeth Donnelly, Owner Of The Adjacent Residential Property, Located At 5480 North Bay Road; Retaining Utility Easement Rights Within Said Vacated Portion Of The Street-End; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review And Approval Of Same By The City Attorney's Office. **10:15 a.m. Public Hearing** (Page 359)
(Public Works)
(Continued from October 13, 2004)
- R7D A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, And Having Considered The City Administration's Recommendation And The Criteria For Granting Revocable Permits Pursuant To Section 82-94 Of The Miami Beach City Code, Denying An After-The-Fact Revocable Permit In Favor Of The Applicant, Doron Valero, For Retaining A Masonry Wall Constructed In The City Right-Of-Way, Enclosing Approximately 66 Sq. Ft., Adjacent To His Property Located At 320 South Coconut Lane. **10:30 a.m. Public Hearing** (Page 366)
(Public Works)

R7 - Resolutions (Continued)

- R7E A Resolution Authorizing The Mayor And City Clerk To Execute A Lease Agreement With Hazen And Sawyer, PC, For The Lease Of Approximately 2,800 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue (A/K/A 777 - 17th Street), Miami Beach, Florida, For A Twenty-Three (23) Month Term, Commencing On November 1, 2004, And Ending On September 30, 2006; Further Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements As Set Forth In Sections 82-36 Through 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City. **10:45 a.m. Public Hearing** (Page 385)
(Economic Development)
- R7F A Resolution Authorizing The Mayor And City Clerk To Execute An Agreement Between The City Of Miami Beach And Tran Construction, Inc., To Construct The Beachfront Restroom/Concession Facilities Located East Of Collins Avenue At 21st, 46th And 64th Streets, Pursuant To The Bid Award Granted By Resolution 2003-25196, And Appropriating Funds, In The Amount Of \$227,776, Available From Parking Funds For Increased Costs In The Construction Of The Project. **Joint City Commission and Redevelopment Agency** (Page 396)
(Capital Improvement Projects)
- R7G A Resolution Setting The Dates For The Year 2005 City Commission Meetings. **Joint City Commission and Redevelopment Agency** (Page 407)
(City Clerk's Office)
- R7H A Resolution Approving A Settlement Of The Lawsuit Styled, Gloria Rosenthal, Trustee Of The Gloria Rosenthal Trust U/A/D 5-19-88, N/K/A Gloria Rosenthal Trust U/A/D 5-14-99 V. City Of Miami Beach Case No. 04-10744 CA 31; Authorizing The Mayor And City Clerk To Execute Any And All Necessary Settlement Documents, Including But Not Limited To The Execution Of A Purchase And Sale Agreement Between The City (Buyer) And The Gloria Rosenthal Trust (Seller) For The Property Located At 1833 Bay Road, Miami Beach, Florida; Further Making The Settlement Subject To And Conditioned Upon Closing Of The Subject Property. (Page 414)
(Economic Development)
- R7I A Resolution Adopting The Certificates Of The Results Of The November 2, 2004 Special Election For The City Of Miami Beach, And Declaring Results Thereof. (Page 437)
(City Attorney's Office)
- R7J A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms Pursuant To Request For Qualifications (RFQ) No. 39-03/04, For Architecture, Landscape Architecture, Engineering, And Construction Administration Services Needed To Complete The Planning, Construction Design, And Construction Of The South Pointe Park Improvement Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Hargreaves Associates, And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm; Authorizing The Administration To Negotiate With The Second-Ranked Firm Of The RMPK Group, And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm; Authorizing The Administration To Negotiate An Agreement With The Third-Ranked Firm Of Calvin, Giordano & Associates. (Page 441)
(City Manager's Office)

R9 - New Business and Commission Requests

- R9A Board and Committee Appointments. (Page 489)
(City Clerk's Office)
- R9A1 Nominate Mr. Marcelo Llorente To The Personnel Board. (Page 495)
(Requested by Vice-Mayor Simon Cruz)
(Deferred from October 13, 2004)
- R9A2 Nominate Mr. Alex DeGasperi To The Personnel Board. (Page 497)
(Requested by Commissioner Saul Gross)
(Deferred from October 13, 2004)
- R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 499)
R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C Discussion Regarding Historic Designation Status Of The 20th Street Monument. (Page 501)
(Requested by Commissioner Luis R. Garcia, Jr.)
- R9D Status Report On Closing Documents Between The City Of Miami Beach, The Miami Beach
Redevelopment Agency And RDP Royal Palm Hotel Limited Partnership ("RDP"). (Page 503)
(City Manager's Office)
- R9E Discussion Of The Straw Ballot Question Regarding The Baylink And The 63rd Street Flyover.
(Page 507)
(Requested by Vice-Mayor Simon Cruz)
- R9F Discussion Regarding The Bay Link Video. (Page 509)
(Requested by Commissioner Luis R. Garcia, Jr.)

R10 - City Attorney Reports**R10A Notice Of Closed Executive Session. (Page 512)**

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On November 10, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Cases:

Norman And Joan Ciment Vs. City Of Miami Beach. Circuit Court Of The Eleventh Judicial Circuit Of Florida, Case No. 01-802 CA32

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Don Papy, First Assistant City Attorney Debora Turner And First Assistant City Attorney Gary Held.

R10B Notice Of Closed Executive Session. (Page 514)

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On November 10, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, For Discussion Regarding The Status Of Communications Workers Of America (CWA) Negotiations.

(City Manager's Office)

R10C Notice Of Closed Executive Session. (Page 516)

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On November 10, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Case:

City Of Miami Beach V. Miami-Dade County, Micky Biss And USA Express, Inc. Third District Court Of Appeal, Case No. 3D04-1589, Lower Case No. 03-682 AP

Micky Biss And USA Express, Inc. V. City Of Miami Beach. 11th Judicial Circuit Court. Case No. 04-18560 CA 11

Micky Biss And USA Express, Inc. V. City Of Miami Beach. 11th Judicial Circuit Court. Case No. 01-11865 CA 10

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorneys Debora J. Turner And Gary Held.

Reports and Informational Items

- A City Attorney's Status Report. (Page 519)
(City Attorney's Office)
- B Parking Status Report. (Page 523)
(Parking Department)
- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2. (Page 563)
(Capital Improvement Projects)
- D Status Report On The Construction Of Fire Station No. 4. (Page 565)
(Capital Improvement Projects)
- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Page 567)
(Procurement)
- F Non-City Entities Represented By City Commission:
1. Minutes From The Miami-Dade County Homeless Trust Board Meeting Of September 24, 2004. (Page 569)
(Requested by Commissioner Richard L. Steinberg)
 2. Minutes From The Miami Beach Transportation Management Association, Inc. Executive Board Meeting Of September 20, 2004. (Page 575)
(Requested by Mattie Herrera Bower)

End of Regular Agenda

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
<http://ci.miami-beach.fl.us>



OFFICE OF THE CITY CLERK

HOW A PERSON MAY APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

THE REGULARLY SCHEDULED MEETINGS OF THE CITY COMMISSION ARE ESTABLISHED BY RESOLUTION. SCHEDULED MEETING DATES ARE AVAILABLE ON THE CITY'S WEBSITE, DISPLAYED ON CHANNEL 20, AND ARE AVAILABLE IN THE CITY CLERK'S OFFICE. COMMISSION MEETINGS COMMENCE AT 9:00 AM. GENERALLY THE CITY COMMISSION IS IN RECESS DURING THE MONTH OF AUGUST.

1. DR. STANLEY SUTNICK CITIZENS' FORUM will be held during the first Commission meeting each month. The Forum will be split into two (2) sessions, 1:30 p.m and 5:30 p.m. Approximately thirty (30) minutes will be allocated per session for each of the subjects to be considered, with individuals being limited to no more than three (3) minutes. No appointment or advance notification is needed in order to speak to the Commission during this forum.
2. Prior to every Commission meeting, an Agenda and backup material are published by the Administration. Copies of the Agenda may be obtained at the City Clerk's Office on the Monday prior to the Commission regular meeting. The complete Agenda, including all backup material, is available for inspection the Monday and Tuesday prior to the Commission meeting at the City Clerk's Office and at the following Miami Beach Branch Libraries: Main, North Shore, and South Shore. The information is also available on the City's website which is - <http://ci.miami-beach.fl.us>.
3. Any person requesting placement of an item on the Agenda must provide a written statement with his/her complete address and telephone number to the Office of the City Manager, 1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139, briefly outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment may be scheduled to discuss the matter with a member of the City Manager's staff. "Requests for Agenda Consideration" will not be placed on the Agenda until after Administrative staff review. Such review will ensure that the issue is germane to the City's business and has been addressed in sufficient detail so that the City Commission may be fully apprised. Such written requests must be received in the City Manager's Office no later than noon on Tuesday of the week prior to the scheduled Commission meeting to allow time for processing and inclusion in the Agenda package. Presenters will be allowed sufficient time, within the discretion of the Mayor, to make their presentations and will be limited to those subjects included in their written requests.
4. Once an Agenda for a Commission Meeting is published, persons wishing to speak on items listed on the Agenda may call or come to City Hall, Office of the City Clerk, 1700 Convention Center Drive, telephone 673-7411, before 5:00 p.m. on the Tuesday prior to the Commission meeting and give their name, the Agenda item to be discussed, and if known, the Agenda item number.
5. All persons who have been listed by the City Clerk to speak on the Agenda item in which they are specifically interested, and persons granted permission by the Mayor, with the approval of the City Commission, will be allowed sufficient time, within the discretion of the Mayor, to present their views. When there are scheduled public hearings on an Agenda item, IT IS NOT necessary to register at the City Clerk's Office in advance of the meeting. All persons wishing to speak at a public hearing may do so and will be allowed sufficient time, within the discretion of the Mayor, to present their views.
6. If a person wishes to address the Commission on an emergency matter, which is not listed on the agenda, there will be a period of fifteen minutes total allocated at the commencement of the Commission Meeting at 9:00 a.m. when the Mayor calls for additions to, deletions from, or corrections to the Agenda. The decision as to whether or not the matter will be heard, and when it will be heard, is at the discretion of the Mayor and the City Commission. On the presentation of an emergency matter, the speaker's remarks must be concise and related to a specific item. Each speaker will be limited to three minutes.

CITY OF MIAMI BEACH

2004 CITY COMMISSION AND REDEVELOPMENT AGENCY MEETINGS

January 14 (Wednesday)

February 4 (Wednesday)

February 25 (Wednesday)

March 17 (Wednesday)

April 14 (Wednesday)

May 5 (Wednesday)

May 26 (Wednesday)

June 9 (Wednesday)

July 7 (Wednesday)

July 28 (Wednesday)

August City Commission in Recess – NO MEETINGS

September 8 (Wednesday)

October 13 (Wednesday)

November 10 (Wednesday)

December 8 (Wednesday)

City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: NOVEMBER 10, 2004

TO: MAYOR DAVID DERMER AND
MEMBERS OF THE CITY COMMISSION

FROM: MURRAY H. DUBBIN
CITY ATTORNEY

SECOND READING
PUBLIC HEARING

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NUMBER 2003-3411 BY AMENDING THE RESTRICTIONS ON THE LOCATIONS WHERE PANHANDLING IS PROHIBITED AND PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

This proposed amendment to the Panhandling on Public Property Ordinance is based upon the following circumstances:

On March 7, 2004, a street performer was arrested under the Panhandling on Public Property Ordinance. The constitutionality of the Street Performer and Art Vendor Ordinance is currently under review in the Third District Court of Appeal; hence, street performers are currently being prosecuted under the Panhandling on Public Property Ordinance. The American Civil Liberties Union filed a Motion to Dismiss the action against the street performer and intends to challenge as a whole the constitutionality of the Panhandling on Public Property Ordinance. The City is confident on its ability to defend the Panhandling on Public Property Ordinance, but the proposed amendment will significantly enhance the opportunity for success.

While the Ordinance in its current form technically addresses the issue posed by the ACLU, there may be other options available to address these issues as well. Some options are being researched at this point in time for presentation and discussion. It is suggested that a first opportunity to present potential options would be through a referral to the Neighborhood/Community Affairs Committee. At the Neighborhood/Community Affairs meeting potentially impacted sections of the City, such as representatives of the Lincoln Road and Ocean Drive Associations can be invited to participate.

I request a referral to the Neighborhood/Community Affairs committee for further discussion of this item and to open and continue the Public Hearing.

MHD/ag

1700 Convention Center Drive -- Fourth Floor -- Miami Bea

Agenda Item R5A
Date 11-10-04



ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NUMBER 2003-3411 BY AMENDING THE RESTRICTIONS ON THE LOCATIONS WHERE PANHANDLING IS PROHIBITED AND PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the ordinance regulating panhandlers and solicitors has been challenged on constitutional grounds and revisions are necessary to ensure that its enforcement is not subject to attack.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION I. Section 74-78. Panhandling/Solicitation Prohibited on Public Property of Ordinance No. 2003-3411 is amended to read as follows:

Notwithstanding the city's regulations regarding charitable solicitations, street performances or art vending, it shall be unlawful for any person to panhandle or solicit on public property in the following areas:

- (1) Lincoln Road;
- (2) Ocean Drive;
- (3) Washington Avenue;
- (4) Collins Avenue;
- (5) Within ten (10) feet in any direction from the outside perimeter of any outdoor cafe, outdoor restaurant, sidewalk cafe or other establishment serving food or beverages for immediate consumption, unless expressly authorized by the owner, manager or supervisor of the establishment;
- (6) Within (10) feet in any direction from the outside perimeter of areas where five or more persons are waiting to gain admission to a place, establishment or public gathering including but not limited to, bar, convention center, concert hall, gallery, motion picture house, public event or performance, nightclub, restaurant, theater;

- (7) Within ten (10) feet in any direction from any entrance way into or exit from any foodstore selling alcoholic beverages or package store;
- (8) except that any person may panhandle or solicit on public property within 25 feet of the areas where non-profit vending and distribution tables are permitted, under Ch. 86, Art. III of this Code.

SECTION 2. SEVERABILITY.

If any section, subsection, clause, or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect on the ____ day of _____, 2004.

PASSED AND ADOPTED this ____ day of _____, 2004.

ATTEST:

MAYOR

CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

Deborah M. Papson 10/6/04
City Attorney Date

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CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS



NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, November 10, 2004, at the times listed below to consider the following:**

at 11:00 a.m.:

AN ORDINANCE AMENDING ORDINANCE NUMBER 2003-3411 BY AMENDING THE RESTRICTIONS ON THE LOCATIONS WHERE PANHANDLING IS PROHIBITED AND PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Inquiries may be directed to the Legal Department at (305) 673-7470.

at 11:15 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF FIELD INSPECTOR I, FIELD INSPECTOR II AND PARKING DISPATCHER IN GROUP IV, BEING THOSE CLASSIFICATIONS COVERED BY THE COMMUNICATION WORKERS OF AMERICA (CWA), LOCAL 3178; TRANSFERRING THE TITLES OF THE CLASSIFICATIONS OF BACKFLOW COORDINATOR, CARPENTER SUPERVISOR, CENTRAL SERVICES SUPERVISOR, LEAD MECHANIC, SANITATION OPERATIONS SUPERVISOR, SERVICE SUPERVISOR, AND 911 COMMUNICATIONS RECORDS CUSTODIAN FROM GROUP VI, BEING OTHER CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT, TO GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA (GSAF), OPEIU LOCAL 100; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE AND CODIFICATION.

at 11:16 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1605, UNCLASSIFIED EMPLOYEES SALARY ORDINANCE, ESTABLISHING THE CLASSIFICATIONS OF CODE COMPLIANCE DIVISION DIRECTOR, CULTURAL FACILITIES MANAGER, FIELD MONITOR, GEOGRAPHIC INFORMATION SYSTEM ANALYST, HUMAN RESOURCES & RISK MANAGEMENT DIRECTOR, NEIGHBORHOOD SERVICES PROJECTS ADMINISTRATOR AND SENIOR MANAGEMENT ANALYST; AMENDING THE TITLES OF THE CLASSIFICATIONS OF BEACH PATROL CAPTAIN TO OCEAN RESCUE DIVISION CHIEF, FIELD INSPECTOR TO FIELD SUPERVISOR, MANAGEMENT & BUDGET DIRECTOR TO BUDGET & PERFORMANCE IMPROVEMENT DIRECTOR, AND RIGHT OF WAY SUPERVISOR TO RIGHT OF WAY MANAGER; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

at 11:17 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1335, THE CLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE FOR THE FRATERNAL ORDER OF POLICE (FOP), THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), AND CLASSIFIED EMPLOYEES NOT COVERED BY A BARGAINING UNIT AND KNOWN AS THE GROUP "OTHERS" PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

at 11:18 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1613, THE UNCLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE; PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Inquiries may be directed to Human Resources at (305) 673-7524.

at 11:30 a.m.:

AN ORDINANCE AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7, "CCC, CIVIC AND CONVENTION CENTER DISTRICT," BY CREATING A NEW SECTION 142-368 ENTITLED "OFFSITE PARKING," PROVIDING THAT REQUIRED PARKING PROVIDED FOR USES IN THIS DISTRICT, LOCATED OFF-SITE PURSUANT TO SECTION 130-36, SHALL NOT BE INCLUDED IN PERMITTED FLOOR AREA WHEREVER LOCATED; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

at 5:01 p.m.:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," AND DIVISION 15, "TH TOWN HOUSE RESIDENTIAL DISTRICT," BY AMENDING SECTION 142-156, SECTION 142-218 AND SECTION 142-606, RESPECTIVELY, TO ESTABLISH REVISED STANDARDS FOR PARKING LOT SETBACK REQUIREMENTS WHEN THERE IS AN APPROVED STREET IMPROVEMENT PLAN THAT INCORPORATES A PUBLIC-PRIVATE PARKING AGREEMENT WITH THE CITY; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

at 5:05 p.m.:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE XI, "NEIGHBORHOOD CONSERVATION DISTRICTS," BY CREATING A NEW SECTION 118-708, ENTITLED "ENFORCEMENT OF NCD REGULATIONS AND CRITERIA; APPLICATION OF EQUITABLE ESTOPPEL TO PERMITS AND APPROVALS," PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #0285)

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

An Ordinance amending the Classified Salary Ordinance No. 789 for Classified employees, by establishing the classifications of Field Inspector I, Field Inspector II, and Parking Dispatcher in Group IV, being those classifications covered by the Communications Workers of America (CWA), Local 3178; transferring the titles of the classifications of Backflow Coordinator, Carpenter Supervisor, Central Services Supervisor, Lead Mechanic, Sanitation Operations Supervisor, Service Supervisor, and 911 Communications Records Custodian from Group VI, being Other Classifications in the classified service not covered by a bargaining unit, to Group V, being those classifications covered by the Government Supervisors Association of Florida (GSAF), OPEIU local 100; providing for a Repealer, Severability, Effective Date, and Codification.

Issue:

Shall the City provide appropriate titles and salary ranges for individuals performing specific duties and provide a classification and compensation system that is fair and representative of the functions performed in the City by amending the Classified Salary Ordinance and transferring seven Group VI classifications (not covered by a bargaining unit) to Group V (GSAF) as a result of the joint petition between GSAF and the City to the Public Employee Relations Commission. Incumbents in these classifications have been performing their functions using similar titles and ranges, pending approval. As a result, classifications need to be established and transferred.

Item Summary/Recommendation:

The Commission approved the Ordinance on first reading on October 13, 2004, and set a second reading, public hearing for November 10, 2004. The Administration recommends that the City Commission adopt the Ordinance.

Advisory Board Recommendation:

N/A

Financial Information:

Amount to be expended:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 40px; display: flex; align-items: center; justify-content: center;">Finance Dept.</div>	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Mayra D. Buttacavoli

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R5B
DATE 11-10-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

**SECOND READING
PUBLIC HEARING**

Subject: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF FIELD INSPECTOR I, FIELD INSPECTOR II AND PARKING DISPATCHER IN GROUP IV, BEING THOSE CLASSIFICATIONS COVERED BY THE COMMUNICATION WORKERS OF AMERICA (CWA), LOCAL 3178; TRANSFERRING THE TITLES OF THE CLASSIFICATIONS OF BACKFLOW COORDINATOR, CARPENTER SUPERVISOR, CENTRAL SERVICES SUPERVISOR, LEAD MECHANIC, SANITATION OPERATIONS SUPERVISOR, SERVICE SUPERVISOR, AND 911 COMMUNICATIONS RECORDS CUSTODIAN FROM THE GROUP VI, BEING OTHER CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT, TO GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA (GSAF), OPEIU LOCAL 100; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

ADMINISTRATION RECOMMENDATION

The Ordinance was approved on first reading on October 13, 2004. The Commission set a second reading, public hearing for November 10, 2004. The Administration recommends that the City Commission adopt the Ordinance on second reading.

ANALYSIS

The Administration needs to provide appropriate titles and salary ranges for individuals performing specific duties. Incumbents in these positions have been performing their functions using similar titles and grades, pending this approval. In addition, seven (7) classifications need to be transferred from group VI (other classifications not covered by a bargaining agreement) to Group V (GSAF)

The following classifications are being established:

GROUP IV: CWA

Field Inspector I (Range H24)
Field Inspector 2 (Range H30)
Parking Dispatcher (Range H24)

The following classifications are being transferred from Group VI, being other classifications in the classified service not covered by a bargaining unit, to Group V being those classifications covered by the Government Supervisors Association of Florida, OPIEU Local 100, (GSAF), as a result of a joint petition of the City and the Government Supervisors Association of Florida to the Public Employee Relations Commission.

Backflow Coordinator (Grade 11)

Carpenter Supervisor (Grade 10)

Central Services Supervisor (Grade 12)

Lead Mechanic (Grade 11)

Sanitation Operations Supervisor (Grade 12)

Service Supervisor (Grade 9)

911 Communications Records Custodian (Grade 10)

CONCLUSION

By amending the Classified Salary Ordinance for classifications in Group IV, covered by CWA; Group V, covered by GSAF, and Group VI "Others" not covered by a bargaining unit, the City will ensure that there is a classification and compensation system which is fair and representative of the functions performed in the City.

JMG: MDB: GPL: NJ *MDB*

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF FIELD INSPECTOR I, FIELD INSPECTOR II AND PARKING DISPATCHER IN GROUP IV, BEING THOSE CLASSIFICATIONS COVERED BY THE COMMUNICATION WORKERS OF AMERICA (CWA), LOCAL 3178; TRANSFERRING THE TITLES OF THE CLASSIFICATIONS OF BACKFLOW COORDINATOR, CARPENTER SUPERVISOR, CENTRAL SERVICES SUPERVISOR, LEAD MECHANIC, SANITATION OPERATIONS SUPERVISOR, SERVICE SUPERVISOR, AND 911 COMMUNICATIONS RECORDS CUSTODIAN FROM GROUP VI, BEING OTHER CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT, TO GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA (GSAF), OPEIU LOCAL 100; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

WHEREAS, there is a need to establish certain classifications and transfer certain classifications in order to ensure that the City has an employee classification and compensation system which is fair and representative of the functions performed in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1: That the following lines of the Classified Salary Ordinance No. 789 are amended to read as follows:

**GROUP IV COMMUNICATION WORKERS OF AMERICA (CWA)
SALARY RANGES AND CLASSIFICATIONS**

A. Salary Ranges		Effective	09/23/02
SALARY RANGE	MINIMUM STEP D/1	MINIMUM STEP E/2	MAXIMUM STEP M/10
H15	914.11	941.53	1,192.70
H16	941.53	969.78	1,228.48
H17	969.78	998.87	1,265.34
H18	998.87	1,028.84	1,303.30
H19	1,028.84	1,059.70	1,342.40
H20	1,059.70	1,091.49	1,382.67
H21	1,091.49	1,124.24	1,424.15
H22	1,124.24	1,157.96	1,466.87
H23	1,157.96	1,192.70	1,510.88
H24	1,192.70	1,228.48	1,571.32
H25	1,228.48	1,265.34	1,634.17
H26	1,265.34	1,303.30	1,699.54
H27	1,303.30	1,342.40	1,767.52
H28	1,342.40	1,382.67	1,838.22
H29	1,382.67	1,424.15	1,911.75
H30	1,424.15	1,466.87	1,988.22
H31	1,466.87	1,510.88	2,067.74
H32	1,510.88	1,571.32	2,150.45
H33	1,571.32	1,634.17	2,236.47
H34	1,634.17	1,699.54	2,325.93
H35	1,699.54	1,767.52	2,418.97
H36	1,767.52	1,838.22	2,515.73
H37	1,838.22	1,911.75	2,616.36
H50	1,164.24	1,199.17	1,533.82
H51	1,199.17	1,235.15	1,595.17
H52	1,235.15	1,272.20	1,658.98
H53	1,272.20	1,310.37	1,725.34
H54	1,310.37	1,349.68	1,794.35
H55	1,349.68	1,390.17	1,866.13
H56	1,390.17	1,431.87	1,940.77
H57	1,431.87	1,474.83	2,018.40
H58		1,533.82	2,099.14
H59		1,595.17	2,183.11
H60		1,658.98	2,270.43

B. Salary Ranges and Classifications

CLASSIFICATION	SALARY RANGE	STARTING STEP	UNION
CLERK	H15	1/D	CWA
COIN ROOM MONEY HANDLER	H16	1/D	CWA
CLERK TYPIST	H17	1/D	CWA
MASONRY HELPER	H18	1/D	CWA
ACCOUNT CLERK 1	H20	1/D	CWA
ADMINISTRATIVE AIDE 1	H20	1/D	CWA
DATA ENTRY CLERK	H20	1/D	CWA
DUPLICATING EQUIPMENT OPERATOR	H20	1/D	CWA
PERMIT CLERK 1	H20	1/D	CWA
POLICE RECORDS TECHNICIAN	H20	1/D	CWA
REVENUE PROCESSOR 1	H20	1/D	CWA
PARKING ENFORCEMENT SPECIALIST 1	H22	1/D	CWA
PARKING METER TECHNICIAN 1	H22	1/D	CWA
ACCOUNT CLERK 2	H23	1/D	CWA
CODE COMPLIANCE OFFICER 1	H23	1/D	CWA
METER ANALYST	H23	1/D	CWA
PERMIT CLERK 2	H23	1/D	CWA
PROPERTY EVIDENCE TECHNICIAN 1	H23	1/D	CWA
PUBLIC SAFETY SPECIALIST	H23	1/D	CWA
REVENUE PROCESSOR 2	H23	1/D	CWA
ADMINISTRATIVE AIDE 2	H24	1/D	CWA
ADMINISTRATIVE SECRETARY	H24	1/D	CWA
BUYER	H24	1/D	CWA
ENGINEERING ASSISTANT 1	H24	1/D	CWA
<u>FIELD INSPECTOR I</u>	<u>H24</u>	<u>1/D</u>	<u>CWA</u>
FINANCE SPECIALIST 1	H24	1/D	CWA
PAINTER	H24	1/D	CWA
<u>PARKING DISPATCHER</u>	<u>H24</u>	<u>1/D</u>	<u>CWA</u>
ACCOUNT CLERK 3	H25	1/D	CWA
ADMINISTRATIVE ASSISTANT 1	H25	1/D	CWA
CARPENTER 1	H25	1/D	CWA
COMMUNICATIONS OPERATOR	H25	1/D	CWA
DISPATCHER TRAINEE	H25	1/D	CWA

MASON	H25	1/D	CWA
PARKING ENFORCEMENT SPECIALIST 2	H25	1/D	CWA
COMMISSION REPORTER 1	H26	1/D	CWA
COMPLAINT OPERATOR 2	H26	1/D	CWA
CRIME ANALYSIS SPECIALIST	H26	1/D	CWA
FINANCE SPECIALIST 2	H26	1/D	CWA
CODE COMPLIANCE OFFICER 2	H27	1/D	CWA
DISPATCHER	H27	1/D	CWA
ENGINEERING ASSISTANT 2	H27	1/D	CWA
PROPERTY EVIDENCE TECHNICIAN 2	H27	1/D	CWA
COMMISSION REPORTER 2	H28	1/D	CWA
FINANCE SPECIALIST 3	H28	1/D	CWA
PLUMBER	H28	1/D	CWA
POLICE FLEET SPECIALIST	H28	1/D	CWA
PLANNING TECHNICIAN	H29	1/D	CWA
AIR CONDITIONING MECHANIC	H30	1/D	CWA
ELECTRICIAN	H30	1/D	CWA
ENGINEERING ASSISTANT 3	H30	1/D	CWA
<u>FIELD INSPECTOR II</u>	<u>H30</u>	<u>1/D</u>	<u>CWA</u>
CRIME SCENE TECHNICIAN 1	H31	1/D	CWA
POLICE PHOTOGRAPHER	H31	1/D	CWA
CODE COMPLIANCE ADMINISTRATOR	H34	1/D	CWA
CRIME SCENE TECHNICIAN 2	H34	1/D	CWA
BUILDING INSPECTOR	H34	2/E	CWA
ELECTRICAL INSPECTOR	H34	2/E	CWA
ELEVATOR INSPECTOR	H34	2/E	CWA
ENGINEERING INSPECTOR	H34	2/E	CWA
MECHANICAL INSPECTOR	H34	2/E	CWA
PLUMBING INSPECTOR	H34	2/E	CWA
POOL GUARD 1	H50	1/D	CWA
POOL GUARD 2	H52	1/D	CWA
LIFEGUARD 1	H52	1/D	CWA
LIFEGUARD 2	H56	1/D	CWA
LIFEGUARD LIEUTENANT	H58	2/E	CWA

**GROUP V GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA (GSAF) -
CLASS AND PAY GRADES, SALARIES, AND CLASSIFICATIONS**

A. Salary Grades and Ranges effective the first pay period ending in October 2003.

GRADE	MINIMUM	MAXIMUM
15	\$51,153	\$ 82,621
14	47,079	76,036
13	43,327	69,976
12	39,873	64,397
11	36,694	59,264
10	33,769	54,540
9	31,078	50,195
8	28,601	46,193
7	26,321	42,511
6	24,223	39,123

B. Grades and Classifications

GRADE	CLASSIFICATION	UNION
15	BEACH PATROL OPERATIONS SUPERVISOR	GSA
15	CITY SURVEYOR	GSA
14	AIR CONDITIONING SUPERVISOR	GSA
14	CRIME SCENE SUPERVISOR	GSA
14	ELECTRICIAN SUPERVISOR	GSA
14	PLUMBING SUPERVISOR	GSA
14	SENIOR BUILDING INSPECTOR	GSA
14	SENIOR ENGINEERING INSPECTOR	GSA
13	COMMUNICATIONS SUPERVISOR	GSA
13	FLEET OPERATIONS SUPERVISOR	GSA
13	PROPERTY MGMT OPERATIONS SUPERVISOR	GSA
13	PUMPING OPERATIONS SUPERVISOR	GSA
13	SEWER FIELD OPERATIONS SUPERVISOR	GSA
13	WATER FIELD OPERATIONS SUPERVISOR	GSA
<u>12</u>	<u>CENTRAL SERVICES SUPERVISOR</u>	<u>GSA</u>
12	ELECTRONICS/INSTRUMENT SUPERVISOR	GSA
12	MAINTENANCE SUPERVISOR	

12	METERED SERVICES SUPERVISOR	GSA
12	PARK OPERATIONS SUPERVISOR	GSA
12	PARKING OPERATIONS SUPERVISOR	GSA
<u>12</u>	<u>SANITATION OPERATIONS SUPERVISOR</u>	<u>GSA</u>
12	STREET LIGHTING OPERATIONS SUPERVISOR	GSA
12	STREETS OPERATIONS SUPERVISOR	GSA
12	WAREHOUSE SUPERVISOR	GSA
<u>11</u>	<u>BACKFLOW COORDINATOR</u>	<u>GSA</u>
<u>11</u>	<u>LEAD MECHANIC</u>	<u>GSA</u>
11	PAINT SUPERVISOR	GSA
11	RECREATION SUPERVISOR I	GSA
<u>10</u>	<u>911 COMMUNICATIONS RECORDS CUSTODIAN</u>	<u>GSA</u>
<u>10</u>	<u>CARPENTER SUPERVISOR</u>	<u>GSA</u>
10	PARKING FACILITIES SUPERVISOR	GSA
<u>09</u>	<u>SERVICE SUPERVISOR</u>	<u>GSA</u>
09	WATER SERVICE REPRESENTATIVE	GSA
06	TENNIS CENTER SUPERVISOR	GSA

GROUP VI OTHERS
CLASS AND PAY GRADES, SALARIES, AND CLASSIFICATIONS

A. Salary Grades and Ranges

GRADE	MINIMUM	MAXIMUM
14	\$48,491	\$78,317
13	\$44,626	\$72,076
12	\$41,069	\$66,329
11	\$37,795	\$61,042
10	\$34,783	\$56,176
9	\$32,010	\$51,700
8	\$29,459	\$47,579
7	\$27,110	\$43,786
6	\$24,950	\$40,296
5	\$22,961	\$37,083
4	\$21,131	\$34,129
3	\$19,446	\$31,409
2	\$17,897	\$28,905

B. Grades and Classifications

GRADE	CLASSIFICATION	UNION
14	EMPLOYEE BENEFITS SPECIALIST	OTHER CLASSIFIED
14	SENIOR ELECTRICAL INSPECTOR	OTHER CLASSIFIED
14	SENIOR ELEVATOR INSPECTOR	OTHER CLASSIFIED
14	SENIOR MECHANICAL INSPECTOR	OTHER CLASSIFIED
14	SENIOR PLUMBING INSPECTOR	OTHER CLASSIFIED
12	CENTRAL SERVICES SUPERVISOR	OTHER CLASSIFIED
12	COMPUTER OPERATOR	OTHER CLASSIFIED
12	FIREARMS SPECIALIST	OTHER CLASSIFIED
12	PARKING OPERATIONS SUPERVISOR	OTHER CLASSIFIED
12	SANITATION OPERATIONS SUPERVISOR	OTHER CLASSIFIED
11	BACKFLOW COORDINATOR	OTHER CLASSIFIED
11	LEAD MECHANIC	OTHER CLASSIFIED
11	HUMAN RESOURCES TECHNICIAN III	OTHER CLASSIFIED
10	911 COMMUNICATIONS RECORDS CUSTODIAN	OTHER CLASSIFIED
10	CARPENTER SUPERVISOR	OTHER CLASSIFIED
10	HUMAN RESOURCES TECHNICIAN II	OTHER CLASSIFIED
9	ICE RINK TECHNICIAN	OTHER CLASSIFIED
9	SERVICE SUPERVISOR	OTHER CLASSIFIED
9	HUMAN RESOURCES TECHNICIAN I	OTHER CLASSIFIED
8	BUILDING SERVICES TECHNICIAN	OTHER CLASSIFIED
8	ADMINISTRATIVE AIDE II/RISK MANAGEMENT	OTHER CLASSIFIED
6	RECREATION LEADER II	OTHER CLASSIFIED
5	OFFICE ASSOCIATE II (HR & IT)	OTHER CLASSIFIED
4	RECREATION LEADER I	OTHER CLASSIFIED
3	CONCESSION ATTENDANT	OTHER CLASSIFIED
2	SCHOOL GUARD	OTHER CLASSIFIED

SECTION 2: REPEALER.

That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3: SEVERABILITY.

If any section, subsection, clause, or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4: CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 5: EFFECTIVE DATES.

This Ordinance Amendment shall become effective as of November 10, 2004

PASSED and ADOPTED this _____ day of _____, 2004


MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

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 on 10/4/04
City Attorney Date

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS



NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, November 10, 2004, at the times listed below to consider the following:**

at 11:00 a.m.:

AN ORDINANCE AMENDING ORDINANCE NUMBER 2003-3411 BY AMENDING THE RESTRICTIONS ON THE LOCATIONS WHERE PANHANDLING IS PROHIBITED AND PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Inquiries may be directed to the Legal Department at (305) 673-7470.

at 11:15 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF FIELD INSPECTOR I, FIELD INSPECTOR II AND PARKING DISPATCHER IN GROUP IV, BEING THOSE CLASSIFICATIONS COVERED BY THE COMMUNICATION WORKERS OF AMERICA (CWA), LOCAL 3178; TRANSFERRING THE TITLES OF THE CLASSIFICATIONS OF BACKFLOW COORDINATOR, CARPENTER SUPERVISOR, CENTRAL SERVICES SUPERVISOR, LEAD MECHANIC, SANITATION OPERATIONS SUPERVISOR, SERVICE SUPERVISOR, AND 911 COMMUNICATIONS RECORDS CUSTODIAN FROM GROUP VI, BEING OTHER CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT, TO GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA (GSAF), OPEIU LOCAL 100; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE AND CODIFICATION.

at 11:16 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1605, UNCLASSIFIED EMPLOYEES SALARY ORDINANCE, ESTABLISHING THE CLASSIFICATIONS OF CODE COMPLIANCE DIVISION DIRECTOR, CULTURAL FACILITIES MANAGER, FIELD MONITOR, GEOGRAPHIC INFORMATION SYSTEM ANALYST, HUMAN RESOURCES & RISK MANAGEMENT DIRECTOR, NEIGHBORHOOD SERVICES PROJECTS ADMINISTRATOR AND SENIOR MANAGEMENT ANALYST; AMENDING THE TITLES OF THE CLASSIFICATIONS OF BEACH PATROL CAPTAIN TO OCEAN RESCUE DIVISION CHIEF, FIELD INSPECTOR TO FIELD SUPERVISOR, MANAGEMENT & BUDGET DIRECTOR TO BUDGET & PERFORMANCE IMPROVEMENT DIRECTOR, AND RIGHT OF WAY SUPERVISOR TO RIGHT OF WAY MANAGER; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

at 11:17 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1335, THE CLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE FOR THE FRATERNAL ORDER OF POLICE (FOP), THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), AND CLASSIFIED EMPLOYEES NOT COVERED BY A BARGAINING UNIT AND KNOWN AS THE GROUP "OTHERS" PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

at 11:18 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1613, THE UNCLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE; PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Inquiries may be directed to Human Resources at (305) 673-7524.

at 11:30 a.m.:

AN ORDINANCE AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7, "CCC, CIVIC AND CONVENTION CENTER DISTRICT," BY CREATING A NEW SECTION 142-368 ENTITLED "OFFSITE PARKING," PROVIDING THAT REQUIRED PARKING PROVIDED FOR USES IN THIS DISTRICT, LOCATED OFF-SITE PURSUANT TO SECTION 130-36, SHALL NOT BE INCLUDED IN PERMITTED FLOOR AREA WHEREVER LOCATED; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

at 5:01 p.m.:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," AND DIVISION 15, "TH TOWN HOUSE RESIDENTIAL DISTRICT," BY AMENDING SECTION 142-156, SECTION 142-218 AND SECTION 142-606, RESPECTIVELY, TO ESTABLISH REVISED STANDARDS FOR PARKING LOT SETBACK REQUIREMENTS WHEN THERE IS AN APPROVED STREET IMPROVEMENT PLAN THAT INCORPORATES A PUBLIC-PRIVATE PARKING AGREEMENT WITH THE CITY; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

at 5:05 p.m.:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE XI, "NEIGHBORHOOD CONSERVATION DISTRICTS," BY CREATING A NEW SECTION 118-708, ENTITLED "ENFORCEMENT OF NCD REGULATIONS AND CRITERIA; APPLICATION OF EQUITABLE ESTOPPEL TO PERMITS AND APPROVALS," PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #0285)

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

Ordinance amending Ordinance No. 1605, the Unclassified Employees Salary Ordinance, establishing the classifications of Code Compliance Division Director, Cultural Facilities Manager, Field Monitor, Geographic Information System Analyst and Senior Management Analyst; amending the titles of the classifications of Beach Patrol Captain to Ocean Rescue Division Chief, Field Inspector to Field Supervisor, Management & Budget Director to Budget & Performance Improvement Director, and Right of Way Supervisor to Right of Way Manager; providing for a Repealer, Severability, Effective Date, and Codification.

Issue:

Shall the City provide appropriate titles and salary ranges for individuals performing specific duties and provide a classification and compensation system that is fair and representative of the functions performed in the City by amending the Unclassified Salary Ordinance? Incumbents in these classifications have been performing their functions using similar titles and grades, pending this approval. As a result, classifications need to be established and amended.

Item Summary/Recommendation:

The Commission approved the Ordinance on first reading on October 13, 2004, and set a second reading, public hearing for November 10, 2004. The Administration recommends that the City Commission adopt the Ordinance.

Advisory Board Recommendation:

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Financial Information:

Source of Funds: <div style="border: 1px solid black; width: 80px; height: 40px; margin: 5px 0;"></div> Finance Dept.		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Mayra D. Buttacavoli

Sign-Offs:

Department Director	Assistant City Manager	City Manager

T:\AGENDA\2004\Nov1004\Regular\sal ord UC 11 04 sum2nd read.doc

AGENDA ITEM R5C
DATE 11-10-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

**Second Reading
PUBLIC HEARING**

Subject: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 1605, THE UNCLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF CODE COMPLIANCE DIVISION DIRECTOR, CULTURAL FACILITIES MANAGER, FIELD MONITOR, GEOGRAPHIC INFORMATION SYSTEM ANALYST AND SENIOR MANAGEMENT ANALYST; AMENDING THE TITLES OF THE CLASSIFICATIONS OF BEACH PATROL CAPTAIN TO OCEAN RESCUE DIVISION CHIEF, FIELD INSPECTOR TO FIELD SUPERVISOR, MANAGEMENT & BUDGET DIRECTOR TO BUDGET & PERFORMANCE IMPROVEMENT DIRECTOR AND RIGHT OF WAY SUPERVISOR TO RIGHT OF WAY MANAGER; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION

ADMINISTRATION RECOMMENDATION:

The Ordinance was approved on first reading on October 13, 2004. The Commission set a second reading, public hearing for November 10, 2004. The Administration recommends that the City Commission adopt the Ordinance on second reading.

ANALYSIS:

The Administration needs to provide appropriate titles and salary ranges for individuals performing specific duties. Incumbents in these positions have been performing their functions using similar titles and grades, pending this approval. As a result, classifications need to be established and amended.

The following classifications are being established:

Code Compliance Division Director (grade 17)
(this new classification will be utilized instead of the old department head classification of Code Compliance Director at a grade 19)

Cultural Facilities Manager (grade 14)

Field Monitor (grade 9)

Geographic Information System Analyst (grade 14)

Senior Management Analyst (Grade 16)

The following titles will be amended as follows:

Beach Patrol Captain → Ocean Rescue Division Chief

Field Inspector → Field Supervisor

Management & Budget Director → Budget & Performance Improvement Director

Right of Way Supervisor → Right of Way Manager


The following grades have been changed as included in this Ordinance amendment:

City Engineer was a grade 18 and is now a grade 19

Police Commander was a grade 18 and is now a grade 19

CONCLUSION

By establishing five (5) new classifications, and amending the titles of four (4) classifications, the Ordinance amendment will ensure that the City has an employee classification and compensation system which is fair and representative of the functions performed in the City.

JMG: MDB: GPL: NJ 

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 1605, THE UNCLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF CODE COMPLIANCE DIVISION DIRECTOR, CULTURAL FACILITIES MANAGER, FIELD MONITOR, GEOGRAPHIC INFORMATION SYSTEM ANALYST AND SENIOR MANAGEMENT ANALYST; AMENDING THE TITLES OF THE CLASSIFICATIONS OF BEACH PATROL CAPTAIN TO OCEAN RESCUE DIVISION CHIEF, FIELD INSPECTOR TO FIELD SUPERVISOR, MANAGEMENT & BUDGET DIRECTOR TO BUDGET & PERFORMANCE IMPROVEMENT DIRECTOR, AND RIGHT OF WAY SUPERVISOR TO RIGHT OF WAY MANAGER; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

WHEREAS, there is a need to establish certain classifications and amend the titles of certain classifications, in order to ensure that the City has an employee classification and compensation system which is fair and representative of the functions performed in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1: That the following lines of the Unclassified Salary Ordinance No. 1605 are amended to read as follows:

CLASS AND PAY GRADES, SALARIES AND CLASSIFICATIONS

A. Salary Grades and Ranges

GRADE	MINIMUM	MAXIMUM
26	Determined by City Commission	Determined by City Commission
25	\$120,980	\$195,289
24	\$111,276	\$179,723
23	\$102,407	\$165,397
22	\$94,245	\$152,214
21	\$86,733	\$140,082
20	\$79,820	\$128,916
19	\$73,458	\$118,639
18	\$67,602	\$109,185
17	\$62,213	\$100,481
16	\$57,018	\$92,472
15	\$52,687	\$85,100
14	\$48,491	\$78,317
13	\$44,626	\$72,076
12	\$41,069	\$66,329
11	\$37,795	\$61,042
10	\$34,783	\$56,176
9	\$32,010	\$51,700
8	\$29,459	\$47,579
7	\$27,110	\$43,786
6	\$24,950	\$40,296
5	\$22,961	\$37,083
4	\$21,131	\$34,129
3	\$19,446	\$31,409
2	\$17,897	\$28,905
1	\$16,470	\$26,600

B. Grades and Classifications

GRADE	CLASSIFICATION	UNION
26	City Attorney	Unclassified
26	City Manager	Unclassified
25	Deputy City Manager	Unclassified
24	Assistant City Manager	Unclassified
24	Chief Deputy City Attorney	Unclassified
24	Chief Financial Officer	Unclassified
23	Deputy City Attorney	Unclassified
23	Fire Chief	Unclassified
23	Police Chief	Unclassified
22	Executive Assistant to the City Manager	Unclassified
22	Public Works Director	Unclassified
21	Assistant Chief of Police	Unclassified
21	Assistant Fire Chief	Unclassified
21	Building Director	Unclassified
21	Capital Improvement Projects Director	Unclassified
21	City Clerk	Unclassified
21	First Assistant City Attorney	Unclassified
21	General Services Director	Unclassified
21	Human Resources Director	Unclassified
21	Management & Budget & Performance Improvement Director	Unclassified
21	Neighborhood Services Director	Unclassified
21	Parking Director	Unclassified
21	Planning Director	Unclassified
21	Parks & Recreation Director	Unclassified
20	Assistant Director - Finance	Unclassified
20	Community / Economic Development Director	Unclassified
20	Cultural Affairs & Tourism Development Director	Unclassified
20	Fire Division Chief	Unclassified
20	Fire Marshall	Unclassified
20	Information Technology Division Director	Unclassified
20	Police Division Major	Unclassified

19	Assistant Director - Building	Unclassified
19	Assistant Director – CIP	Unclassified
19	Assistant Director - Community / Economic Development	Unclassified
19	Assistant Director - Public Works	Unclassified
19	Bass Museum Director	Unclassified
19	<u>Beach Patrol Captain Ocean Rescue Division Chief</u>	Unclassified
19	Budget Officer	Unclassified
19	Chief of Staff	Unclassified
19	City Engineer	Unclassified
19	Code Compliance Director	Unclassified
19	Community Information Manager	Unclassified
19	Executive Assistant to the Chief	Unclassified
19	Fleet Management Division Director	Unclassified
19	Internal Auditor	Unclassified
19	Police Captain	Unclassified
19	Police Commander	Unclassified
19	Procurement Division Director	Unclassified
19	Property Management Division Director	Unclassified
19	Public Information Coordinator	Unclassified
19	Sanitation Director	Unclassified
19	Senior Assistant City Attorney	Unclassified
19	Special Assistant to the City Manager	Unclassified
19	Transportation and Concurrency Manager	Unclassified
18	Affirmative Action Officer	Unclassified
18	Application Systems Manager	Unclassified
18	Assistant Director - Neighborhood Services	Unclassified
18	Assistant Director - Parking	Unclassified
18	Assistant Director - Parks	Unclassified
18	Assistant Director - Planning	Unclassified
18	Assistant Director - Recreation	Unclassified
18	Assistant Director- Tourism and Cultural Development	Unclassified
18	Chief Accountant	Unclassified
18	Expenditure / Treasury Manager	Unclassified
18	Finance Manager	Unclassified
18	Human Resources Administrator II	Unclassified
18	Labor Relations Division Director	Unclassified
18	Redevelopment Coordinator	Unclassified
18	Revenue Manager	Unclassified
18	Senior Capital Projects Coordinator	Unclassified
18	Systems Support Manager	Unclassified
18	Technical Services Manager	Unclassified
18	Utilities Superintendent	Unclassified

17	Account Manager - Finance	Unclassified
17	Arts, Culture & Entertainment Director	Unclassified
17	Assets Manager	Unclassified
17	Assistant Director - Code Compliance	Unclassified
17	Assistant Division Director - Property Management	Unclassified
17	Assistant For Labor Relations	Unclassified
17	Assistant to the Neighborhood Services Director	Unclassified
17	Assistant Internal Auditor	Unclassified
17	Call Center / Customer Service Manager	Unclassified
17	Capital Improvement Administrator - Finance	Unclassified
17	Capital Projects Coordinator	Unclassified
17	Chief Accessibility Inspector	Unclassified
17	Chief Structural Plans Examiner	Unclassified
17	<u>Code Compliance Division Director</u>	<u>Unclassified</u>
17	Community Development and Housing Division Director	Unclassified
17	Construction Management Division Director	Unclassified
17	Cultural Affairs Program Manager	Unclassified
17	Economic Development Division Director	Unclassified
17	Employment Supervisor	Unclassified
17	Grants Manager	Unclassified
17	Historic Preservation Coordinator	Unclassified
17	Housing Manager	Unclassified
17	Manager – Finance	Unclassified
17	Office of Community Services Division Director	Unclassified
17	Organizational Development & Training Coordinator	Unclassified
17	Planning & Zoning Manager	Unclassified
17	Preservation & Design Manager	Unclassified
17	Risk Manager	Unclassified
17	Service Delivery Manager	Unclassified
17	Special Projects Coordinator	Unclassified
16	Assistant Director - Procurement Division	Unclassified
16	Assistant Director - Sanitation	Unclassified
16	Assistant City Attorney II	Unclassified
16	Assistant City Clerk	Unclassified
16	Capital Improvement Administrator	Unclassified
16	Capital Projects Administrator	Unclassified
16	Chief Building Inspector	Unclassified
16	Chief Electrical Inspector	Unclassified
16	Chief Elevator Inspector	Unclassified
16	Chief Engineering Inspector	Unclassified
16	Chief Mechanical Inspector	Unclassified
16	Chief Plumbing Inspector	Unclassified
16	Civil Engineer III	Unclassified
16	Claims Coordinator	Unclassified

16	Community Development Coordinator	Unclassified
16	Community Resources Coordinator	Unclassified
16	Database Administrator	Unclassified
16	Employee Benefits Coordinator	Unclassified
16	EMS Coordinator	Unclassified
16	Financial Analyst III	Unclassified
16	Human Resources Administrator I	Unclassified
16	Implementation Services Manager	Unclassified
16	Log Cabin Program Administrator	Unclassified
16	Mayor / Commissioner Aide	Unclassified
16	Network Administrator	Unclassified
16	Office of Child Development Director	Unclassified
16	Parks Superintendent	Unclassified
16	Police Plans & Policies Manager	Unclassified
16	Principal Planner	Unclassified
16	Project Planner/Designer	Unclassified
16	PSCU Administrator	Unclassified
16	Public Information Officer	Unclassified
16	Real Estate Economist	Unclassified
16	Senior Auditor	Unclassified
16	<u>Senior Management Analyst</u>	Unclassified
16	Senior Management & Budget Analyst	Unclassified
16	Streets & Lighting Superintendent	Unclassified
16	Organizational Development & Training Specialist	Unclassified
16	Transportation Coordinator	Unclassified
16	Utility Billing Supervisor	Unclassified
15	Assistant Director - Bass Museum	Unclassified
15	CDBG Projects Coordinator	Unclassified
15	Central Services Coordinator	Unclassified
15	Code Compliance Manager	Unclassified
15	Code Compliance Supervisor	Unclassified
15	Departmental ADA Coordinator	Unclassified
15	Development Coordinator	Unclassified
15	Film & Print Coordinator	Unclassified
15	Financial Analyst II	Unclassified
15	Fire Protection Analyst	Unclassified
15	Grants Writer / Researcher	Unclassified
15	Information Technology Specialist III	Unclassified
15	Inspection Services Coordinator	Unclassified
15	Media Specialist	Unclassified
15	Property / Evidence Supervisor	Unclassified
15	Redevelopment Specialist	Unclassified
15	Right-of-Way Supervisor <u>Manager</u>	Unclassified
15	Safety Officer	Unclassified
15	Senior Planner	Unclassified

15	Senior Plans Designer	Unclassified
15	Senior Capital Projects Planner	Unclassified
15	Special Events Coordinator	Unclassified
15	Structural Engineer	Unclassified
15	Tourism & Convention Director	Unclassified
14	Assistant City Attorney I	Unclassified
14	CDBG Program Analyst	Unclassified
14	Civil Engineer II	Unclassified
14	Communications Manager	Unclassified
14	Community Development Specialist	Unclassified
14	Construction Manager	Unclassified
14	<u>Cultural Facilities Manager</u>	<u>Unclassified</u>
14	Curator	Unclassified
14	Curator of Collections	Unclassified
14	Curator of Education	Unclassified
14	Entertainment Industry Liaison	Unclassified
14	Environmental Specialist	Unclassified
14	<u>Geographic Information System Analyst</u>	<u>Unclassified</u>
14	Housing Specialist	Unclassified
14	Information Technology Specialist II	Unclassified
14	Landscape Architect	Unclassified
14	Legal Administrator	Unclassified
14	Log Cabin Education Coordinator	Unclassified
14	Parking Administration Manager	Unclassified
14	Parking Operations Manager	Unclassified
14	Police Records Manager	Unclassified
14	Records Manager	Unclassified
14	Recreation Supervisor II	Unclassified
14	Sanitation Superintendent	Unclassified
14	Social Worker	Unclassified
14	Transportation Engineer	Unclassified
14	Victims Advocate	Unclassified
13	Agenda Coordinator	Unclassified
13	Auditor	Unclassified
13	Executive Office Associate II	Unclassified
13	Financial Analyst I	Unclassified
13	Fleet Analyst	Unclassified
13	Grants Writer / Researcher	Unclassified
13	Management & Budget Analyst	Unclassified
13	Office Manager	Unclassified
13	Human Resources Specialist	Unclassified
13	Planner	Unclassified
13	Public Art Coordinator	Unclassified
13	Public Information Specialist	Unclassified

13	Security Specialist	Unclassified
13	Special Events Liaison	Unclassified
12	Building Records Supervisor	Unclassified
12	Civil Engineer I	Unclassified
12	Community Development Technician	Unclassified
12	Executive Office Associate I	Unclassified
12	Field Agent	Unclassified
12	Field Inspector Supervisor	Unclassified
12	Homeless Program Coordinator	Unclassified
12	Information Technology Specialist I	Unclassified
12	Labor Relations Technician	Unclassified
12	Legal Secretary	Unclassified
12	Police Financial Assistant	Unclassified
12	Police Public Information Officer	Unclassified
12	Police Records Supervisor	Unclassified
12	Property Management Contracts Coordinator	Unclassified
12	Registrar	Unclassified
12	Senior Procurement Specialist	Unclassified
11	Case Worker	Unclassified
11	Elder Affairs Coordinator	Unclassified
11	Ice Rink Manager	Unclassified
11	Log Cabin Employment Specialist / Job Coordinator	Unclassified
11	Office Associate V	Unclassified
11	Procurement Coordinator	Unclassified
11	Sanitation Coordinator	Unclassified
10	Code Violations Clerk	Unclassified
10	Customer Service Liaison	Unclassified
10	Paralegal	Unclassified
9	Office Associate IV	Unclassified
9	<u>Field Monitor</u>	<u>Unclassified</u>
8	Graffiti Removal Coordinator	Unclassified
7	Log Cabin Instructor	Unclassified
7	Office Associate III	Unclassified
7	Receptionist	Unclassified
5	Office Associate II	Unclassified
4	Log Cabin Driver / Instructor Aide	Unclassified
3	Office Associate I	Unclassified

SECTION 2: **REPEALER.**

That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3: **SEVERABILITY.**

If any section, subsection, clause, or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4: **CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 5: **EFFECTIVE DATES.**

This Ordinance Amendment shall become effective as of November 10, 2004.

PASSED and ADOPTED this ____ day of _____, 2004.

MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney Date 10/25/04

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS



NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, November 10, 2004, at the times listed below to consider the following:**

at 11:00 a.m.:

AN ORDINANCE AMENDING ORDINANCE NUMBER 2003-3411 BY AMENDING THE RESTRICTIONS ON THE LOCATIONS WHERE PANHANDLING IS PROHIBITED AND PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Inquiries may be directed to the Legal Department at (305) 673-7470.

at 11:15 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF FIELD INSPECTOR I, FIELD INSPECTOR II AND PARKING DISPATCHER IN GROUP IV, BEING THOSE CLASSIFICATIONS COVERED BY THE COMMUNICATION WORKERS OF AMERICA (CWA), LOCAL 3178; TRANSFERRING THE TITLES OF THE CLASSIFICATIONS OF BACKFLOW COORDINATOR, CARPENTER SUPERVISOR, CENTRAL SERVICES SUPERVISOR, LEAD MECHANIC, SANITATION OPERATIONS SUPERVISOR, SERVICE SUPERVISOR, AND 911 COMMUNICATIONS RECORDS CUSTODIAN FROM GROUP VI, BEING OTHER CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT, TO GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA (GSAF), OPEIU LOCAL 100; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE AND CODIFICATION.

at 11:16 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1605, UNCLASSIFIED EMPLOYEES SALARY ORDINANCE, ESTABLISHING THE CLASSIFICATIONS OF CODE COMPLIANCE DIVISION DIRECTOR, CULTURAL FACILITIES MANAGER, FIELD MONITOR, GEOGRAPHIC INFORMATION SYSTEM ANALYST, HUMAN RESOURCES & RISK MANAGEMENT DIRECTOR, NEIGHBORHOOD SERVICES PROJECTS ADMINISTRATOR AND SENIOR MANAGEMENT ANALYST; AMENDING THE TITLES OF THE CLASSIFICATIONS OF BEACH PATROL CAPTAIN TO OCEAN RESCUE DIVISION CHIEF, FIELD INSPECTOR TO RIGHT SUPERVISOR, MANAGEMENT & BUDGET DIRECTOR TO BUDGET & PERFORMANCE IMPROVEMENT DIRECTOR, AND FIELD OF WAY SUPERVISOR TO RIGHT OF WAY MANAGER; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

at 11:17 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1335, THE CLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE FOR THE FRATERNAL ORDER OF POLICE (FOP), THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), AND CLASSIFIED EMPLOYEES NOT COVERED BY A BARGAINING UNIT AND KNOWN AS THE GROUP "OTHERS" PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

at 11:18 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1613, THE UNCLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE; PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Inquiries may be directed to Human Resources at (305) 673-7524.

at 11:30 a.m.:

AN ORDINANCE AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7, "CCC, CIVIC AND CONVENTION CENTER DISTRICT," BY CREATING A NEW SECTION 142-368 ENTITLED "OFFSITE PARKING," PROVIDING THAT REQUIRED PARKING PROVIDED FOR USES IN THIS DISTRICT, LOCATED OFF-SITE PURSUANT TO SECTION 130-36, SHALL NOT BE INCLUDED IN PERMITTED FLOOR AREA WHEREVER LOCATED; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

at 5:01 p.m.:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," AND DIVISION 15, "TH TOWN HOUSE RESIDENTIAL DISTRICT," BY AMENDING SECTION 142-156, SECTION 142-218 AND SECTION 142-606, RESPECTIVELY, TO ESTABLISH REVISED STANDARDS FOR PARKING LOT SETBACK REQUIREMENTS WHEN THERE IS AN APPROVED STREET IMPROVEMENT PLAN THAT INCORPORATES A PUBLIC-PRIVATE PARKING AGREEMENT WITH THE CITY; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

at 5:05 p.m.:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE XI, "NEIGHBORHOOD CONSERVATION DISTRICTS," BY CREATING A NEW SECTION 118-708, ENTITLED "ENFORCEMENT OF NCD REGULATIONS AND CRITERIA; APPLICATION OF EQUITABLE ESTOPPEL TO PERMITS AND APPROVALS," PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #0285)

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY



Condensed Title:

Second reading of the Ordinance amending Classified Leave Ordinance 1335 to amend provisions for the accumulation and payment of annual leave for Classified employees in FOP, IAFF and the group known as Others.

Issue:

Shall the City implement measures to ensure a fair and equitable leave accumulation and payment system for Classified employee groups that successfully negotiate the new levels in accordance with the provisions already negotiated with the FOP and IAFF?


Item Summary/Recommendation:

Adopt the Ordinance on second reading and public hearing for the Commission Meeting of November 10, 2004 to increase the annual maximum accrual amount of annual leave from 360 hours to 460 hours and the increasing the maximum annual leave amount for which an Classified employee may be paid upon termination, retirement, or death from 480 hours to 580 hours.

Advisory Board Recommendation:

N/A

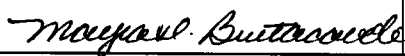
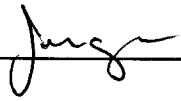
Financial Information:

Source of Funds:  Finance Dept.		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total	-		

City Clerk's Office Legislative Tracking:

Mayra D. Buttacavoli, Director of Human Resources & Risk Management

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM RSD
DATE 11-10-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

SECOND READING

Subject: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 1335, THE CLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE FOR THE FRATERNAL ORDER OF POLICE (FOP), THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), AND CLASSIFIED EMPLOYEES NOT COVERED BY A BARGAINING UNIT AND KNOWN AS THE GROUP "OTHERS"; PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance on the second reading and public hearing of the Commission meeting on November 10, 2004.

ANALYSIS

Currently the Fraternal Order of Police (FOP) union contract and the International Association of Fire Fighters (IAFF) union contract provide that effective October 1, 2004 the must use cap on vacation accrual will be raised from 360 hours to 460 hours and the maximum amount paid upon retirement, termination, or death will be raised from 480 hours to not exceed 580 hours.

This proposed Ordinance applies to those Classified employees in the F.O.P., I.A.F.F. and classified employees not covered by a bargaining unit and known as the group "Others". This will implement the same provisions for accrual and payout of annual leave that have already been negotiated for the FOP and IAFF.

CONCLUSION

The City Administration recommends that the Commission adopt the Classified Leave Ordinance amendments stated above to ensure that there is a leave accumulation and payment system which is fair and equitable.

JMG:MDB:ph

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 1335, THE CLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE FOR THE FRATERNAL ORDER OF POLICE (FOP), THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), AND CLASSIFIED EMPLOYEES NOT COVERED BY A BARGAINING UNIT AND KNOWN AS THE GROUP "OTHERS"; PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1: That the following section of the Classified Leave Ordinance No. 1335 as amended shall be amended to read as follows:

SECTION 1:

* * *

5. Accumulation or Forfeiture of Annual Leave and Sick Leave:

- (a) Employees hired prior to October 1, 1978 may accumulate annual leave and sick leave up to a total combined maximum of 2088 hours. Any hours of leave in excess of above maximum will be forfeited on the last day of the last full pay period of the payroll year.
- (b) At the end of each payroll year, all employees except those covered by the Fraternal Order of Police (FOP), the International Association of Fire Fighters (IAFF) and Classified employees not covered by a bargaining unit and known as the group "Others", will be allowed no more than 360 vacation (annual) hours to be accrued. Employees covered by the Fraternal Order of Police (FOP), the International Association of Fire Fighters (IAFF) and Classified employees not covered by a bargaining unit and known as the group "Others" will be allowed no more than 460 vacation hours to be accrued. Any hours of leave in excess of the above maximum will be forfeited on the last day of the last full pay period of the payroll year.

6. Transfer of Sick Leave to Annual Leave:

- (a) For employees hired prior to October 1, 1978, sick leave accrued in excess of 360 hours may be used for vacation time within the limits of this ordinance.
- (b) For employees hired on or after October 1, 1978, except those covered by the Fraternal Order of Police (FOP), the International Association of Fire Fighters (IAFF) and Classified employees not covered by a bargaining unit and known as the group "Others", sick leave accrued in excess of 360 hours may be transferred to annual leave at the rate of two days of sick leave to one day of annual leave. At the time of resignation, retirement, termination, or death, such employee can transfer sick leave in this manner to reach a maximum of 480 hours of vacation (annual) leave. For employees covered by the Fraternal Order of Police (FOP), the International Association of Fire Fighters (IAFF) and Classified employees not covered by a bargaining unit and known as the group "Others", at the time of resignation, retirement, termination, or death, such employee can

transfer sick leave in this manner to reach a maximum of 580 hours of vacation (annual leave. (Ord. No. 78-2135, §4)

* * *

11. Payment of Annual Leave:

* * *

(c) Maximum Payment:

- (1) For employees hired before October 1, 1978, payment of annual leave and sick leave upon resignation, retirement, termination, or death of a Regular employee shall in no case exceed an amount equal to one year's compensation at the rate of pay received by such Regular employee at the time of his retirement, death, termination, or resignation.
- (2) For employees hired on or after October 1, 1978, except those covered by the Fraternal Order of Police (FOP), the International Association of Fire Fighters (IAFF) and Classified employees not covered by a bargaining unit and known as the group "Others", upon resignation, retirement, termination, or death of an employee, the maximum annual leave for which an employee or his beneficiary may be paid is 480 hours; for those employees covered by the Fraternal Order of Police (FOP), the International Association of Fire Fighters (IAFF) and Classified employees not covered by a bargaining and known as the Group "Others" the maximum annual leave for which an employee or his beneficiary may be paid is 580 hours; and the maximum sick leave for which an employee or his beneficiary may be paid is one-half of his sick leave balance to a maximum payment of 600 hours. (Ord. No. 78-2135, §6)

* * *

17. Collective Bargaining Contingency:

As to employees in classifications governed by union contracts, implementation of the measures hereby amended in Sections 5, 6(b) and (c), 7(b), 11(c), and 17, is contingent upon collective bargaining and approval by the unions to the extent such approval is necessary. Should any inconsistencies exist between this Ordinance and the union contracts, then the language of the union contracts shall supersede.

SECTION 2: REPEALER.

That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3: SEVERABILITY.

If any section, subsection, clause, or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4: CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 5: EFFECTIVE DATES.

This Ordinance shall take effect the _____ day of _____, 2004

PASSED and ADOPTED this _____ day of _____, 2004.


MAYOR

ATTEST:

CITY CLERK

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

10/2/04
Date

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS



NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, November 10, 2004, at the times listed below to consider the following:**

at 11:00 a.m.:

AN ORDINANCE AMENDING ORDINANCE NUMBER 2003-3411 BY AMENDING THE RESTRICTIONS ON THE LOCATIONS WHERE PANHANDLING IS PROHIBITED AND PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Inquiries may be directed to the Legal Department at (305) 673-7470.

at 11:15 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF FIELD INSPECTOR I, FIELD INSPECTOR II AND PARKING DISPATCHER IN GROUP IV, BEING THOSE CLASSIFICATIONS COVERED BY THE COMMUNICATION WORKERS OF AMERICA (CWA), LOCAL 3178; TRANSFERRING THE TITLES OF THE CLASSIFICATIONS OF BACKFLOW COORDINATOR, CARPENTER SUPERVISOR, CENTRAL SERVICES SUPERVISOR, LEAD MECHANIC, SANITATION OPERATIONS SUPERVISOR, SERVICE SUPERVISOR, AND 911 COMMUNICATIONS RECORDS CUSTODIAN FROM GROUP VI, BEING OTHER CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT, TO GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA (GSAF), OPEIU LOCAL 100; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE AND CODIFICATION.

at 11:16 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1605, UNCLASSIFIED EMPLOYEES SALARY ORDINANCE, ESTABLISHING THE CLASSIFICATIONS OF CODE COMPLIANCE DIVISION DIRECTOR, CULTURAL FACILITIES MANAGER, FIELD MONITOR, GEOGRAPHIC INFORMATION SYSTEM ANALYST, HUMAN RESOURCES & RISK MANAGEMENT DIRECTOR, NEIGHBORHOOD SERVICES PROJECTS ADMINISTRATOR AND SENIOR MANAGEMENT ANALYST; AMENDING THE TITLES OF THE CLASSIFICATIONS OF BEACH PATROL CAPTAIN TO OCEAN RESCUE DIVISION CHIEF, FIELD INSPECTOR TO FIELD SUPERVISOR, MANAGEMENT & BUDGET DIRECTOR TO BUDGET & PERFORMANCE IMPROVEMENT DIRECTOR, AND RIGHT OF WAY SUPERVISOR TO RIGHT OF WAY MANAGER; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

at 11:17 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1335, THE CLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE FOR THE FRATERNAL ORDER OF POLICE (FOP), THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), AND CLASSIFIED EMPLOYEES NOT COVERED BY A BARGAINING UNIT AND KNOWN AS THE GROUP "OTHERS" PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

at 11:18 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1613, THE UNCLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE; PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Inquiries may be directed to Human Resources at (305) 673-7524.

at 11:30 a.m.:

AN ORDINANCE AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7, "CCC, CIVIC AND CONVENTION CENTER DISTRICT," BY CREATING A NEW SECTION 142-368 ENTITLED "OFFSITE PARKING," PROVIDING THAT REQUIRED PARKING PROVIDED FOR USES IN THIS DISTRICT, LOCATED OFF-SITE PURSUANT TO SECTION 130-36, SHALL NOT BE INCLUDED IN PERMITTED FLOOR AREA WHEREVER LOCATED; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

at 5:01 p.m.:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," AND DIVISION 15, "TH TOWN HOUSE RESIDENTIAL DISTRICT," BY AMENDING SECTION 142-156, SECTION 142-218 AND SECTION 142-606, RESPECTIVELY, TO ESTABLISH REVISED STANDARDS FOR PARKING LOT SETBACK REQUIREMENTS WHEN THERE IS AN APPROVED STREET IMPROVEMENT PLAN THAT INCORPORATES A PUBLIC-PRIVATE PARKING AGREEMENT WITH THE CITY; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

at 5:05 p.m.:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE XI, "NEIGHBORHOOD CONSERVATION DISTRICTS," BY CREATING A NEW SECTION 118-708, ENTITLED "ENFORCEMENT OF NCD REGULATIONS AND CRITERIA; APPLICATION OF EQUITABLE ESTOPPEL TO PERMITS AND APPROVALS," PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #0285)

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY



Condensed Title:

Second reading of the Ordinance amending Unclassified Leave Ordinance 1613 to amend provisions for the accumulation and payment of annual leave for Unclassified employees.

Issue:

Shall the City implement measures to ensure a fair and equitable leave accumulation and payment system for Unclassified employees in accordance with the provisions already negotiated with the FOP and IAFF?


Item Summary/Recommendation:

Adopt the Ordinance on second reading and public hearing for the Commission Meeting of November 10, 2004 to increase the annual maximum accrual amount of annual leave from 360 hours to 460 hours and the increasing the maximum annual leave amount for which an Unclassified employee may be paid upon termination, retirement, or death from 480 hours to 580 hours.

Advisory Board Recommendation:

N/A


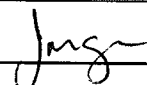
Financial Information:

Source of Funds:  Finance Dept.		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Mayra D. Buttacavoli, Director of Human Resources & Risk Management

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM R5E
DATE 11-10-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

SECOND READING

Subject: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 1613, THE UNCLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE; PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance on the second reading and public hearing of the Commission meeting on November 10, 2004.

ANALYSIS

Currently the Fraternal Order of Police (FOP) union contract and the International Association of Fire Fighters (IAFF) union contract provide that effective October 1, 2004 the must use cap on vacation accrual will be raised from 360 hours to 460 hours and the maximum amount paid upon retirement, termination, or death will be raised from 480 hours to not exceed 580 hours.

This proposed Ordinance applies to Unclassified employees and implements the same provisions for accrual and payout of annual leave that have already been negotiated for the FOP and IAFF.

CONCLUSION

The City Administration recommends that the Commission adopt the Unclassified Leave Ordinance amendments to ensure that there is a leave accumulation and payment system which is fair and equitable for all employees.

JMG:MDB:ph

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 1613, THE UNCLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE; PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1: That the following section of the Unclassified Leave Ordinance No. 1613 as amended shall be amended to read as follows:

* * *

SECTION 2:

* * *

3. Accumulation or Forfeiture of Annual Leave and Sick Leave:

- (a) Employees hired prior to October 1, 1978 may accumulate annual leave and sick leave up to a total combined maximum of 2088 hours. Any hours of leave in excess of above maximum will be forfeited on the last day of the last full pay period of the payroll year.
- (b) At the end of each payroll year, all employees will be allowed no more than ~~360~~ 460 vacation (annual) hours to be accrued. Any hours of leave in excess of the above maximum will be forfeited on the last day of the last full pay period of the payroll year.

4. Transfer of Sick Leave to Annual Leave:

- (a) For employees hired prior to October 1, 1978, sick leave accrued in excess of 360 hours may be used for vacation time within the limits of this ordinance.
- (b) For employees hired on or after October 1, 1978, sick leave accrued in excess of 360 hours may be transferred to annual leave at the rate of two days of sick leave to one day of annual leave; At the time of resignation, retirement, termination, or death, such employee can transfer sick leave in this manner to reach a maximum of ~~480~~ 580 hours of vacation (annual) leave. (Ord. No. 78-2136, §4)

* * *

9. Payment for Annual Leave

* * *

(c) Maximum Payments:

- (1) For employees hired before October 1, 1978, payment of annual leave and sick leave upon resignation, retirement, termination, or death of an employee shall in no case exceed an amount equal to one year's compensation at the

rate of pay received by such employee at the time of his retirement, death, termination, or resignation.

- (2) For employees hired on or after October 1, 1978, upon resignation, retirement, termination, or death of an employee, the maximum annual leave for which an employee or his beneficiary may be paid is ~~480~~ 580 hours; and the maximum sick leave for which an employee or his beneficiary may be paid is one-half of his sick leave balance to a maximum payment of 600 hours. (Ord. No. 78-2136, §6)

SECTION 2: REPEALER.

That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3: SEVERABILITY.

If any section, subsection, clause, or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4: CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 5: EFFECTIVE DATES.

This Ordinance shall take effect the _____ day of _____, 2004.

PASSED and ADOPTED this _____ day of _____, 2004.

ATTEST:

MAYOR

CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS



NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, November 10, 2004, at the times listed below to consider the following:**

at 11:00 a.m.:

AN ORDINANCE AMENDING ORDINANCE NUMBER 2003-3411 BY AMENDING THE RESTRICTIONS ON THE LOCATIONS WHERE PANHANDLING IS PROHIBITED AND PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Inquiries may be directed to the Legal Department at (305) 673-7470.

at 11:15 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF FIELD INSPECTOR I, FIELD INSPECTOR II AND PARKING DISPATCHER IN GROUP IV, BEING THOSE CLASSIFICATIONS COVERED BY THE COMMUNICATION WORKERS OF AMERICA (CWA), LOCAL 3178; TRANSFERRING THE TITLES OF THE CLASSIFICATIONS OF BACKFLOW COORDINATOR, CARPENTER SUPERVISOR, CENTRAL SERVICES SUPERVISOR, LEAD MECHANIC, SANITATION OPERATIONS SUPERVISOR, SERVICE SUPERVISOR, AND 911 COMMUNICATIONS RECORDS CUSTODIAN FROM GROUP VI, BEING OTHER CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT, TO GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA (GSAF), OPEIU LOCAL 100; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE AND CODIFICATION.

at 11:16 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1605, UNCLASSIFIED EMPLOYEES SALARY ORDINANCE, ESTABLISHING THE CLASSIFICATIONS OF CODE COMPLIANCE DIVISION DIRECTOR, CULTURAL FACILITIES MANAGER, FIELD MONITOR, GEOGRAPHIC INFORMATION SYSTEM ANALYST, HUMAN RESOURCES & RISK MANAGEMENT DIRECTOR, NEIGHBORHOOD SERVICES PROJECTS ADMINISTRATOR AND SENIOR MANAGEMENT ANALYST; AMENDING THE TITLES OF THE CLASSIFICATIONS OF BEACH PATROL CAPTAIN TO OCEAN RESCUE DIVISION CHIEF, FIELD INSPECTOR TO FIELD SUPERVISOR, MANAGEMENT & BUDGET DIRECTOR TO BUDGET & PERFORMANCE IMPROVEMENT DIRECTOR, AND RIGHT OF WAY SUPERVISOR TO RIGHT OF WAY MANAGER; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

at 11:17 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1335, THE CLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE FOR THE FRATERNAL ORDER OF POLICE (FOP), THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), AND CLASSIFIED EMPLOYEES NOT COVERED BY A BARGAINING UNIT AND KNOWN AS THE GROUP "OTHERS" PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

at 11:18 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1613, THE UNCLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE; PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Inquiries may be directed to Human Resources at (305) 673-7524.

at 11:30 a.m.:

AN ORDINANCE AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7, "CCC, CIVIC AND CONVENTION CENTER DISTRICT," BY CREATING A NEW SECTION 142-368 ENTITLED "OFFSITE PARKING," PROVIDING THAT REQUIRED PARKING PROVIDED FOR USES IN THIS DISTRICT, LOCATED OFF-SITE PURSUANT TO SECTION 130-36, SHALL NOT BE INCLUDED IN PERMITTED FLOOR AREA WHEREVER LOCATED; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

at 5:01 p.m.:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," AND DIVISION 15, "TH TOWN HOUSE RESIDENTIAL DISTRICT," BY AMENDING SECTION 142-156, SECTION 142-218 AND SECTION 142-606, RESPECTIVELY, TO ESTABLISH REVISED STANDARDS FOR PARKING LOT SETBACK REQUIREMENTS WHEN THERE IS AN APPROVED STREET IMPROVEMENT PLAN THAT INCORPORATES A PUBLIC-PRIVATE PARKING AGREEMENT WITH THE CITY; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

at 5:05 p.m.:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE XI, "NEIGHBORHOOD CONSERVATION DISTRICTS," BY CREATING A NEW SECTION 118-708, ENTITLED "ENFORCEMENT OF NCD REGULATIONS AND CRITERIA; APPLICATION OF EQUITABLE ESTOPPEL TO PERMITS AND APPROVALS," PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #0285)

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

Amend the CCC, Civic and Convention Center District regulations providing that required parking provided for uses in this district, located off-site, shall not be included in permitted floor area wherever located.

Issue:

Should the regulations in the CCC District be amended to allow the required parking for civic and cultural institutions, when located in off-site facilities not to be included in the floor area calculations of the building providing such spaces?

Item Summary/Recommendation:

The Administration recommends that the City Commission adopt the proposed ordinance.

Advisory Board Recommendation:

September 28, 2004 the Planning Board made a motion to recommended approval of the proposed ordinance with the following modifications made by the Board:

1. As modified by Planning staff, the ordinance should exclude from this provision hotels, merchandise marts, commercial or office development, and should only be applicable to performing arts and cultural facilities and other public facilities.
2. The Planning Board also suggested that the City Commission ensure that there would be parity in parking rates for performances of the NWS.
3. The Board also suggested that proper signage for NWS and the off-site parking facility should eventually be included in the new wayfinding signage system.

The vote was 3 in favor and 1 against (three members absent). Since four votes in favor are required to adopt the motion, it did not receive the necessary votes; however, it was the sentiment of the majority of those present that this proposed amendment should go forward and be reviewed by the Commission.

September 27, 2004, the Transportation and Parking Committee discussed the New World Symphony project and approved a motion that encourages the City to go forward with building the largest garage that makes economic sense, as well as encouraging PLC Investments to build a garage to accommodate NWS required parking at its expense.

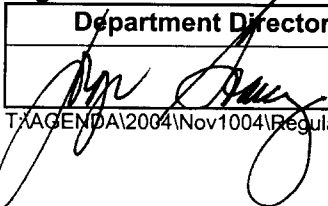
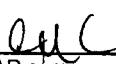
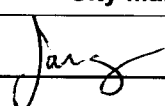
Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div> Finance Dept.	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Jorge Gomez

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM RSE

DATE 11-10-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

Second Reading Public Hearing

Subject: CCC, Civic and Convention Center District regulations regarding required parking.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7. "CCC, CIVIC AND CONVENTION CENTER DISTRICT," BY CREATING A NEW SECTION 142-368 ENTITLED "OFFSITE PARKING," PROVIDING THAT REQUIRED PARKING PROVIDED FOR USES IN THIS DISTRICT, LOCATED OFF-SITE PURSUANT TO SECTION 130-36, SHALL NOT BE INCLUDED IN PERMITTED FLOOR AREA WHEREVER LOCATED; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the proposed ordinance.

BACKGROUND

This ordinance was introduced to the Planning Board at the August 24, 2004 meeting during the presentation of the concept plan for the New World Symphony Sound Space project (NWS). At that time the Board endorsed the revised plan and also agreed that the removal of 175 parking spaces from site would reduce the bulk of the parking structure, and that relocating those spaces to another site would improve the project. The Board also made it very clear that it was not commenting at the time on the merits of the proposal to allow the required parking for the NWS to be relocated off-site, and not have this excess parking included in permitted floor area, wherever located.

At the September 8, 2004 City Commission meeting, the Commission referred the proposed ordinance to the Planning Board for its review and recommendation. The referral was made with no supposition of support or opposition to the proposed ordinance.

ANALYSIS

The genesis of this proposed ordinance is the planning associated with the proposed SoundSpace facility to be built jointly by the City and the New World Symphony.

SoundSpace and related support structures, including the garage, are to be situated on the surface parking lot west of Drexel Avenue; a park and function/performance space area is to occupy the lot east of Drexel Avenue. The main entrance lobby and drop-off area would be on Drexel Avenue, with support and classroom space occupying the south side of the lot. The garage would be located on the west side of the lot, with entrance and egress located on Pennsylvania Avenue. In order enhance the facility's visibility from Lincoln Road and the surrounding area, the main entrance is characterized by a 65-75 ft-high glass tower referred by the designer as a reader tower. The plan also calls for Drexel Avenue to meander eastward into the Park between Lincoln Lane and 17th Street, which provides a unique opportunity to integrate Drexel Avenue into the design of Soundspace, creating the feeling of a true public plaza and providing the ability to close the street during certain park-related events.

Much of the planning discussions have focused on the garage component of the project and the size and massing of the facility. Given the City's mandate to maximize the number of parking spaces, and minimize any net loss of parking (506 existing parking spaces on site), the parking structure in the new concept models is comprised of 5 levels (4 + roof level), containing 644 spaces. This would provide approximately 476 spaces of replacement parking and 175 spaces of required parking for the Soundspace project. The proposed parking structure, which would front Pennsylvania Avenue, may be reduced in massing by scaling back the north and south side of the structure, reducing approximately 175 spaces, to provide for a reduced parking garage mass, with approximately 476 spaces.

In an effort to reduce the massing, an alternative proposal was proffered by the Cejas family to accommodate the required 175 parking spaces for the NWS within the proposed 420 Lincoln Road project. This would provide the opportunity for the City/NWS to scale back the parking structure, and in turn provide landscaping opportunities and enhance the visual corridor between the Convention Center area and Lincoln Road. Additionally, Mr. Cejas has proposed and agreed to fund the capital cost of the NWS required parking, if such an arrangement would not adversely impact the floor area ratio (FAR) of his project.. This would also address any concern with the City participating in the cost of the NWS required parking.

As a result, City staff and the City Attorney's office evaluated the Land Development Regulations of the City Code and determined that an amendment would be required to address the placement of the NWS required parking within an off-site location (the Cejas project) without adversely impacting that project's FAR.

Section 130-36 of the City Code contains provisions for providing required parking off-site within a certain distance of the site through the use of covenants in lieu of unity of title. A new development may satisfy its parking requirements with parking spaces located within 500 feet of the development, or 1,200 feet in a historic district. The proposed ordinance provides that when a public project in the CCC zoning district utilizes the off-site parking provisions to satisfy parking requirements, the parking shall not count towards FAR at the site the parking is located.

Currently, required parking does not count towards FAR, but excess parking does carry the FAR penalty. The effect of the ordinance would be to allow off-site parking to be provided near public projects in the area of the Convention Center, and not have the parking count toward FAR for the site containing the parking. In this way, a new development could provide excess parking to be used by the public facility, and not have the excess parking affect their FAR for their project.

A note of caution is appropriate, as the proposal could have the potential to cause unwanted increases in bulk and building massing for the projects providing the excess parking. If more parking is provided than normally would be supplied, it may cause the parking pedestal of the project to be larger and bulkier than normal. While, this is partially mitigated by the fact that excess parking is desirable to alleviate chronic parking shortages, it is very important that there is strict compliance with design review/historic preservation guidelines and goals, in order to mitigate any potential for oversized parking pedestals or unwanted bulk and building massing. To this end, a recommendation was made to the Planning Board that hotels, merchandise marts, commercial, or office developments be excluded from this provision.

PLANNING BOARD ACTION

At the September 28, 2004 meeting of the Planning Board, a motion was made and seconded to recommended approval of the proposed ordinance to the City Commission with the following modifications made by the Board:

1. As modified by Planning staff, the ordinance should exclude from this provision hotels, merchandise marts, commercial or office development, and should only be applicable to performing arts and cultural facilities and other public facilities.
2. The Planning Board also suggested that the City Commission ensure that there would be parity in parking rates for performances of the NWS.
3. The Board also suggested that proper signage for NWS and the off-site parking facility should eventually be included in the new wayfinding signage system.

The vote was 3 in favor and 1 against (three members absent). Since four votes in favor are required to adopt the motion, it did not received the necessary votes; however, it was the sentiment of the majority of those present that this proposed amendment should go forward and be reviewed by the Commission.

TRANSPORTATION AND PARKING COMMITTEE (TPC)

On Monday, September 27, 2004, the TPC discussed the New World Symphony project and approved a motion that encourages the City to go forward with building the largest garage that makes economic sense, as well as encouraging PLC Investments to build a garage to accommodate NWS required parking at its expense. On October 4, 2004 the TPC reviewed the Planning Board results and were apprised this matter would be presented to the Mayor and City Commission on October 13, 2004.

FISCAL IMPACT

This proposal is an enabling ordinance and has no associated negative fiscal impact upon enactment.

CITY COMMISSION ACTION

At the October 13, 2004 City Commission meeting, the Commission approved the proposed ordinance on first reading with a modification that indicates that only performing arts and cultural facilities in the CCC district will be able to avail themselves of this provision. The Commission also requested that when the required covenant between the properties affected is brought to the Commission for approval, that the plans and elevations for the facility at the 420 Lincoln Road site be also submitted.

Additionally, the Commission directed the Administration to explore the possibility of maximizing the number of parking spaces at the 17th Street site and also explore whether there may be different viable parking alternatives.

CONCLUSION

Pursuant to Section 118-164(3), when a request to amend these land development regulations does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least two separate days and shall, at least ten days prior to adoption, be noticed once in a newspaper of general circulation in the city.

Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths of all members of the City Commission.

JMG/^{CMC}JGG

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7. "CCC, CIVIC AND CONVENTION CENTER DISTRICT," BY CREATING A NEW SECTION 142-368 ENTITLED "OFFSITE PARKING," PROVIDING THAT REQUIRED PARKING PROVIDED FOR USES IN THIS DISTRICT, LOCATED OFF-SITE PURSUANT TO SECTION 130-36, SHALL NOT BE INCLUDED IN PERMITTED FLOOR AREA WHEREVER LOCATED; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, as provided in City Code Sections 142-361 and -362, the purpose of the CCC District is for "the facilities necessary to support the convention center," and the district allows as main permitted uses: "parking lots, garages, performing arts and cultural facilities; hotel; merchandise mart; commercial or office development; landscape open space; parks, [and] any use not listed above shall only be approved after the City Commission holds a public hearing"; and

WHEREAS, the City desires to ensure that adequate parking is provided for projects and uses in the CCC, Civic and Convention Center District; and

WHEREAS, one of the mechanisms for providing adequate parking is through the off-site parking provisions in section 130-36 of the City Code; and

WHEREAS, such off-site parking may be provided in the CCC district, or outside the CCC district, as long as the distance requirements of section 130-36 are satisfied, i.e., 500 feet from the subject property, or 1,200 feet if the subject property is located within the architectural district or a local historic district; and

WHEREAS, in order to ensure the provision of required parking for projects in the CCC district, and in order not to penalize property owners who may offer space for parking for projects in the CCC district, such parking will be treated as if the parking were located on the subject property which the parking would serve, i.e., that the required parking will not be counted as part of the permitted floor area of the property where the parking is located.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 142, Zoning Districts and Regulations, Division 7, CCC Civic and Convention Center District, is hereby amended by adding a new Section 142-368, Offsite parking, as follows:

Sec. 142-368. Off-site parking.

Required parking provided for performing arts and cultural facilities in this district, located off-site pursuant to section 130-36, shall not be included in permitted floor area wherever located, including outside of this district.

Sections 142-368 9– 142-390. Reserved.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

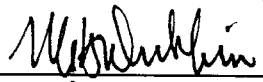

PASSED and ADOPTED this ____ day of _____, 2004.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

 10-25-04
 City Attorney Date

First Reading: October 10, 2004

Second Reading:

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language

~~Strikethrough~~ denotes deleted language

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CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS



NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, November 10, 2004, at the times listed below to consider the following:**

at 11:00 a.m.:

AN ORDINANCE AMENDING ORDINANCE NUMBER 2003-3411 BY AMENDING THE RESTRICTIONS ON THE LOCATIONS WHERE PANHANDLING IS PROHIBITED AND PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Inquiries may be directed to the Legal Department at (305) 673-7470.

at 11:15 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF FIELD INSPECTOR I, FIELD INSPECTOR II AND PARKING DISPATCHER IN GROUP IV, BEING THOSE CLASSIFICATIONS COVERED BY THE COMMUNICATION WORKERS OF AMERICA (CWA), LOCAL 3178; TRANSFERRING THE TITLES OF THE CLASSIFICATIONS OF BACKFLOW COORDINATOR, CARPENTER SUPERVISOR, CENTRAL SERVICES SUPERVISOR, LEAD MECHANIC, SANITATION OPERATIONS SUPERVISOR, SERVICE SUPERVISOR, AND 911 COMMUNICATIONS RECORDS CUSTODIAN FROM GROUP VI, BEING OTHER CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT, TO GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA (GSAF), OPEIU LOCAL 100; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE AND CODIFICATION.

at 11:16 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1605, UNCLASSIFIED EMPLOYEES SALARY ORDINANCE, ESTABLISHING THE CLASSIFICATIONS OF CODE COMPLIANCE DIVISION DIRECTOR, CULTURAL FACILITIES MANAGER, FIELD MONITOR, GEOGRAPHIC INFORMATION SYSTEM ANALYST, HUMAN RESOURCES & RISK MANAGEMENT DIRECTOR, NEIGHBORHOOD SERVICES PROJECTS ADMINISTRATOR AND SENIOR MANAGEMENT ANALYST; AMENDING THE TITLES OF THE CLASSIFICATIONS OF BEACH PATROL CAPTAIN TO OCEAN RESCUE DIVISION CHIEF, FIELD INSPECTOR TO FIELD SUPERVISOR, MANAGEMENT & BUDGET DIRECTOR TO BUDGET & PERFORMANCE IMPROVEMENT DIRECTOR, AND RIGHT OF WAY SUPERVISOR TO RIGHT OF WAY MANAGER; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

at 11:17 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1335, THE CLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE FOR THE FRATERNAL ORDER OF POLICE (FOP), THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), AND CLASSIFIED EMPLOYEES NOT COVERED BY A BARGAINING UNIT AND KNOWN AS THE GROUP "OTHERS" PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

at 11:18 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1613, THE UNCLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE; PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Inquiries may be directed to Human Resources at (305) 673-7524.

at 11:30 a.m.:

AN ORDINANCE AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7, "CCC, CIVIC AND CONVENTION CENTER DISTRICT," BY CREATING A NEW SECTION 142-368 ENTITLED "OFFSITE PARKING," PROVIDING THAT REQUIRED PARKING PROVIDED FOR USES IN THIS DISTRICT, LOCATED OFF-SITE PURSUANT TO SECTION 130-36, SHALL NOT BE INCLUDED IN PERMITTED FLOOR AREA WHEREVER LOCATED; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

at 5:01 p.m.:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," AND DIVISION 15, "TH TOWN HOUSE RESIDENTIAL DISTRICT," BY AMENDING SECTION 142-156, SECTION 142-218 AND SECTION 142-606, RESPECTIVELY, TO ESTABLISH REVISED STANDARDS FOR PARKING LOT SETBACK REQUIREMENTS WHEN THERE IS AN APPROVED STREET IMPROVEMENT PLAN THAT INCORPORATES A PUBLIC-PRIVATE PARKING AGREEMENT WITH THE CITY; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

at 5:05 p.m.:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE XI, "NEIGHBORHOOD CONSERVATION DISTRICTS," BY CREATING A NEW SECTION 118-708, ENTITLED "ENFORCEMENT OF NCD REGULATIONS AND CRITERIA; APPLICATION OF EQUITABLE ESTOPPEL TO PERMITS AND APPROVALS," PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #0285)

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

An ordinance amending the Land Development Regulations for RM-1, RM-2 and TH to establish revised standards for parking lot setback requirements when there is an approved street improvement plan that incorporates a public-private parking agreement with the City.

Issue:

Should the City waive setback requirements for parking in the front yard in the RM-1, RM-2 and TH districts in cases where there is an approved street improvement plan to improve an existing condition involving parking that does not conform to the setback requirements?

Item Summary/Recommendation:

The primary reason for this change is to address the City's residential parking shortage in areas where existing conditions and the zoning setback requirements prevent both the public and private development of parking improvements for residents. The GO Bond Streetscape design process has identified a need to improve existing parking spaces that are located partially in the public right-of-way and partially on private property in the following locations: North Shore Drive in Normandy Shores, and Gary Avenue on Park View Island. These design concepts have been supported by neighborhood residents and documented in the approved Basis of Design Reports. Additionally, the proposed streetscape improvements for the Gilbert Fein district (Lincoln Terrace and 16th Street west of Bay Road) would be able to benefit from this amendment. This amendment would allow the City to proceed with design and construction of the parking and street improvements by allowing for a waiver of the parking lot setback requirement for RM-1, RM-2 and TH when there is public-private parking agreement for the use of City right-of-way and adjacent private property for neighborhood parking based on an approved street improvement plan.

The public-private agreements entail that the private property owner imparts an easement or similar rights to improve and use a portion of his or her "private" property adjacent to the right-of-way, in a manner determined by the City Attorney. Under the current parking setback requirements, this private property would not be allowed to be used for parking. When combined with the City's right-of-way width, this additional footage increases the potential net parking for the street improvement plan.

Advisory Board Recommendation:

Upon referral from the City Commission on May 26, 2004, the Land Use and Development Committee favorably discussed the proposed amendment on June 7, 2004.

Upon referral from the City Commission on July 7, 2004, the Planning Board heard this matter at a public hearing on August 24, 2004, and voted 7-0 (unanimously) to recommend that the City Commission adopt the amendment, subject to an amendment clarifying that future street improvement plans that involve public-private parking agreements would be approved by the DRB or HPB, as applicable.

Upon referral from the City Commission, the Transportation and Parking Committee discussed this item at a public meeting on November 1, 2004 and voted 11-0 (one abstention) to support the proposed amendment.

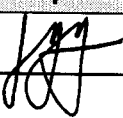
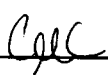
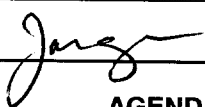
Financial Information:

Source of Funds:		Amount	Account	Approved
Finance Dept.				

City Clerk's Office Legislative Tracking:

Planning Department - Joyce Meyers Ext. 6167

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

AGENDA ITEM

R5G

DATE

11-10-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

Second Reading Public Hearing

Subject: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," AND DIVISION 15, "TH TOWN HOUSE RESIDENTIAL DISTRICT," BY AMENDING SECTION 142-156, SECTION 142-218 AND SECTION 142-606, RESPECTIVELY, TO ESTABLISH REVISED STANDARDS FOR PARKING LOT SETBACK REQUIREMENTS WHEN THERE IS AN APPROVED STREET IMPROVEMENT PLAN THAT INCORPORATES A PUBLIC-PRIVATE PARKING AGREEMENT WITH THE CITY; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The City Administration recommends that the City Commission approve the proposed Public-Private Parking Amendment on second reading.

BACKGROUND

The primary reason for this change is to address the City's residential parking shortage in areas where existing conditions and the zoning setback requirements prevent both the public and private development of parking improvements for residents. The GO Bond Streetscape design process has identified a need to improve existing parking spaces that are located partially in the public right-of-way and partially on private property in the following locations: North Shore Drive in Normandy Shores, and Gary Avenue on Park View Island. These design concepts have been supported by neighborhood residents and documented in the approved Basis of Design Reports. This amendment would allow the City to proceed with design and construction of such parking by allowing for a waiver of the parking lot setback requirement for RM-1, RM-2 and TH when there is public-private parking agreement for the use of City right-of-way and adjacent private property based on an approved street improvement plan. Additionally, the proposed streetscape improvements for the Gilbert Fein district (Lincoln Terrace and 16th Street west of Bay Road) would be able to benefit

from this amendment.

ANALYSIS

The City Code provides setback requirements for parking lots for its Zoning Districts. For RM-1 and RM-2 this setback is twenty (20) feet for the front, five (5) feet or 5% of the lot width, which ever is greater, for the side, (5) feet rear setback for non-oceanfront lots and fifty (50) feet rear setback from the bulkhead line for oceanfront lots. For TH, Townhouse Residential, the parking lot setback requirement is the same as the building setback which is twenty (20) feet for the front, fifteen (15) feet between buildings and on sides facing a street; seven and half (7.5) feet for interior sides and twenty (20) feet at a minimum for the rear setback.

The neighborhoods that are affected by the proposed amendment were constructed in the Post-War building boom when vehicle ownership was low and the City did not regulate on-site parking. Over the years, the City has allowed vehicles to park informally in the front yards of many of these buildings. In most cases, there is no information in the building permit as to whether the parking was permitted in the front yard. The building setbacks are 20 feet or less from the street; therefore the parking spaces (18 feet in length) typically occupy both private property and public street right-of-way. If these parking spaces were to be removed, there would be a severe impact on the entire neighborhood, which is already experiencing a parking shortage.

The City's GO Bond Streetscape design process has identified a need to improve neighborhood streets for both aesthetic and safety reasons. The proposed improvements would add sidewalks, street trees and other landscaping where only bare asphalt paving exists today. If the street improvements were to remove existing parking spaces that are located partially in the public right-of-way and partially on private property, there would be a net loss of parking for neighborhood residents. Therefore, the designers looked for creative ways to preserve as many of the parking spaces as possible. Under the proposed design solution in the City's streetscape project, the entire neighborhood would benefit from the aesthetic improvement created by organizing the parking, installing street trees and other landscaping in islands between parking spaces and reducing the overall amount of asphalt pavement. The public would also benefit in some cases such as North Shore Drive in Normandy Shores where there would be a public sidewalk constructed in the easement dedicated from private property. This amendment would allow the City to proceed with design and construction by entering into public/private parking agreements with the adjacent land owners on a case-by-case basis.

In general, these agreements entail that the private property owner imparts an easement or similar rights to improve and use a portion of his or her "private" property adjacent to the right-of-way, in a manner determined by the City Attorney. Under the current parking setback requirements, this private property would not be allowed to be used for parking. When combined with the City's right-of-way width, this additional footage increases the potential net parking for the street improvement plan.

CITY COMMISSION REFERRAL

On May 26, 2004, the City Commission referred this item to the Land Use and Development Committee with the recommendation to add RM-2 to the ordinance.

The City Commission heard this item on first reading October 13, 2004 and voted 5-0 (2 absent) to approve the amendment on First Reading and to refer the item to the Transportation and Parking Committee between first and second reading.

LAND USE AND DEVELOPMENT COMMITTEE DISCUSSION

Upon referral from the City Commission, the Land Use and Development Committee favorably discussed the proposed amendment on June 7, 2004.

PLANNING BOARD ACTION

Upon referral from the City Commission on July 7, 2004, the Planning Board heard this matter at a public hearing on August 24, 2004 and voted 7-0 (unanimously) to recommend that the City Commission adopt the ordinance, subject to an amendment clarifying that future street improvement plans that involve public-private parking agreements would be approved by the DRB or HPB, as applicable.

TRANSPORTATION AND PARKING COMMITTEE ACTION

Upon referral from the City Commission, the Transportation and Parking Committee discussed this item at a public meeting on November 1, 2004 and voted 11-0 (one abstention) to support the proposed amendment.

FISCAL IMPACT

A positive fiscal impact is anticipated by this amendment as it is intended to increase the economic viability of existing structures by providing enhanced neighborhood streetscape and off-street parking conditions.

CONCLUSION

According to Sec. 118-164, when a request to amend the land development regulations does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance requires two readings, by title or in full on at least two separate days and shall, at least ten days prior to adoption, be noticed once in a newspaper of general circulation in the city. Following the second reading public hearing, the Commission can adopt the ordinance by a 5/7ths vote.


JMG\CMC\JG\JAM

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F:\PLAN\ALL\Meyers\parking study\Public Private CC memo revised.doc

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," AND DIVISION 15, "TH TOWN HOUSE RESIDENTIAL DISTRICT," BY AMENDING SECTION 142-156, SECTION 142-218 AND SECTION 142-606, RESPECTIVELY, TO ESTABLISH REVISED STANDARDS FOR PARKING LOT SETBACK REQUIREMENTS WHEN THERE IS AN APPROVED STREET IMPROVEMENT PLAN THAT INCORPORATES A PUBLIC-PRIVATE PARKING AGREEMENT WITH THE CITY; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach continually seeks to update the requirements of the Land Development Regulations of the Code of the City of Miami; and

WHEREAS, the City of Miami Beach has adopted regulations pertaining to the setback requirements for parking lots; and

WHEREAS, the City of Miami Beach desires to refine, clarify, expand and enhance existing procedures and requirements to allow for the development of parking opportunities in those area where public and private opportunities are hindered by existing conditions; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. That Section 142-156 of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-156. Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (c) below is applicable	20 feet	5 feet, or 5% of lot width, whichever is greater	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots--5 feet Oceanfront lots--50 feet from bulkhead line

(b) In the RM-1, residential district, the ground floor level of a building when viewed from a street shall be screened or enclosed. The method of screening or enclosure shall be approved under the design review process.

(c) In cases where the City Commission approves after public hearing a public - private parking agreement for a neighborhood based upon an approved street improvement plan, the minimum front yard setback for parking subject to the agreement shall be zero feet. The street improvement plan must be approved by the Design Review Board if outside an historic district, or the Historic Preservation Board if inside an historic district.

SECTION 2. That Section 142-218 of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-218. Setback requirements.

(a) The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:

	Front	Side, Interior	Side facing a street	Rear
At-grade parking lot on the same lot except where (b) below is applicable	20 feet	5 feet, or 5% of lot width, whichever is greater	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots--5 feet Oceanfront lots--50 feet from bulkhead line

(b) In cases where the City Commission approves after public hearing a public - private parking agreement for a neighborhood based upon an approved street improvement plan, the minimum front yard setback for parking subject to the agreement shall be zero feet. The street improvement plan must be approved by the Design Review Board if outside an historic district, or the Historic Preservation Board if inside an historic district.

SECTION 3. That Section 142-606 of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-606. Setback requirements.

The setback requirements for the TH townhome residential district are as follows:

- (1) Front yard: 20 feet.
- (2) Side yard: 15 feet between buildings; 15 feet on sides facing a street; 7.5 feet for interior sides.
- (3) Rear yard: 20 feet minimum.
- (4) In cases where the City Commission approves after public hearing a public - private parking agreement for a neighborhood based upon an approved street improvement plan, the minimum front yard setback for parking subject to the agreement shall be zero feet.

The street improvement plan must be approved by the Design Review Board if outside an historic district, or the Historic Preservation Board if inside an historic district.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2004.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney 

9-20-04
Date

First Reading:
Second Reading:

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language
09/20/2004

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS



NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, November 10, 2004, at the times listed below to consider the following:**

at 11:00 a.m.:

AN ORDINANCE AMENDING ORDINANCE NUMBER 2003-3411 BY AMENDING THE RESTRICTIONS ON THE LOCATIONS WHERE PANHANDLING IS PROHIBITED AND PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Inquiries may be directed to the Legal Department at (305) 673-7470.

at 11:15 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF FIELD INSPECTOR I, FIELD INSPECTOR II AND PARKING DISPATCHER IN GROUP IV, BEING THOSE CLASSIFICATIONS COVERED BY THE COMMUNICATION WORKERS OF AMERICA (CWA), LOCAL 3178; TRANSFERRING THE TITLES OF THE CLASSIFICATIONS OF BACKFLOW COORDINATOR, CARPENTER SUPERVISOR, CENTRAL SERVICES SUPERVISOR, LEAD MECHANIC, SANITATION OPERATIONS SUPERVISOR, SERVICE SUPERVISOR, AND 911 COMMUNICATIONS RECORDS CUSTODIAN FROM GROUP VI, BEING OTHER CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT, TO GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA (GSAF), OPEIU LOCAL 100; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE AND CODIFICATION.

at 11:16 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1605, UNCLASSIFIED EMPLOYEES SALARY ORDINANCE, ESTABLISHING THE CLASSIFICATIONS OF CODE COMPLIANCE DIVISION DIRECTOR, CULTURAL FACILITIES MANAGER, FIELD MONITOR, GEOGRAPHIC INFORMATION SYSTEM ANALYST, HUMAN RESOURCES & RISK MANAGEMENT DIRECTOR, NEIGHBORHOOD SERVICES PROJECTS ADMINISTRATOR AND SENIOR MANAGEMENT ANALYST; AMENDING THE TITLES OF THE CLASSIFICATIONS OF BEACH PATROL CAPTAIN TO OCEAN RESCUE DIVISION CHIEF, FIELD INSPECTOR TO FIELD SUPERVISOR, MANAGEMENT & BUDGET DIRECTOR TO BUDGET & PERFORMANCE IMPROVEMENT DIRECTOR, AND RIGHT OF WAY SUPERVISOR TO RIGHT OF WAY MANAGER; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

at 11:17 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1335, THE CLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE FOR THE FRATERNAL ORDER OF POLICE (FOP), THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), AND CLASSIFIED EMPLOYEES NOT COVERED BY A BARGAINING UNIT AND KNOWN AS THE GROUP "OTHERS" PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

at 11:18 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1613, THE UNCLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE; PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Inquiries may be directed to Human Resources at (305) 673-7524.

at 11:30 a.m.:

AN ORDINANCE AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7, "CCC, CIVIC AND CONVENTION CENTER DISTRICT," BY CREATING A NEW SECTION 142-368 ENTITLED "OFFSITE PARKING," PROVIDING THAT REQUIRED PARKING PROVIDED FOR USES IN THIS DISTRICT, LOCATED OFF-SITE PURSUANT TO SECTION 130-36, SHALL NOT BE INCLUDED IN PERMITTED FLOOR AREA WHEREVER LOCATED; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

at 5:01 p.m.:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," AND DIVISION 15, "TH TOWN HOUSE RESIDENTIAL DISTRICT," BY AMENDING SECTION 142-156, SECTION 142-218 AND SECTION 142-606, RESPECTIVELY, TO ESTABLISH REVISED STANDARDS FOR PARKING LOT SETBACK REQUIREMENTS WHEN THERE IS AN APPROVED STREET IMPROVEMENT PLAN THAT INCORPORATES A PUBLIC-PRIVATE PARKING AGREEMENT WITH THE CITY; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

at 5:05 p.m.:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE XI, "NEIGHBORHOOD CONSERVATION DISTRICTS," BY CREATING A NEW SECTION 118-708, ENTITLED "ENFORCEMENT OF NCD REGULATIONS AND CRITERIA; APPLICATION OF EQUITABLE ESTOPPEL TO PERMITS AND APPROVALS," PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #0285)

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

An Ordinance of The Mayor and City Commission of the City of Miami Beach, Florida, to consider amending the adopted Neighborhood Conservation District enabling ordinance to include a new Section 118-708 creating provisions relative to the enforcement of NCD regulations and criteria and the application of equitable estoppel to permits and approvals.

Issue:

Should the Neighborhood Conservation District enabling ordinance be amended to allow the City Commission to initiate specific temporary design and/ or development review controls within a proposed NCD?

Item Summary/Recommendation:

The City Administration has contemplated that due to the substantial length of the adoption process, certain aspects of a neighborhood's character key to the success of a particular NCD may be vulnerable to loss during the process. The current ordinance, as it has been defined, would not instate specific design and or development regulations until there has been a favorable recommendation by the Planning Board; this is several steps into the adoption process.

The Administration believes that the City Commission should be able to initiate certain limited regulatory controls at the time of the preliminary review public hearing; step two (2) of the adoption process. Such interim controls would be outlined in the preliminary evaluation report and would be specifically tailored to the intent of the individual NCD. This will ensure that a thoughtful development of the plan can occur, without the potential for loss of vital neighborhood character.

The City Commission heard this item on first reading, October 13, 2004 and voted 5-0 (2 absent) to recommend the amendment for second reading public hearing on November 10, 2004.

The Administration recommends that the City Commission approve the ordinance amendment on second reading public hearing.

Advisory Board Recommendation:

The Planning Board heard this matter at a public hearing on September 28, 2004, and voted 4-0 (3 absent) to recommend that the City Commission approve the amendment to the recently adopted Neighborhood Conservation District enabling ordinance.

Financial Information:

Source of Funds:		Amount	Account	Approved
	1			
	2			
	Total			

Finance Dept.

City Clerk's Office Legislative Tracking:

Jorge G. Gomez/ Reuben N. Caldwell, Planning Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager

AGENDA ITEM RSH

DATE 11-10-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

Second Reading Public Hearing

Subject: Interim Controls Amendment to the Adopted Neighborhood Conservation District Enabling Ordinance

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE XI, "NEIGHBORHOOD CONSERVATION DISTRICTS," BY CREATING A NEW SECTION 118-708, ENTITLED "ENFORCEMENT OF NCD REGULATIONS AND CRITERIA; APPLICATION OF EQUITABLE ESTOPPEL TO PERMITS AND APPROVALS,"; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The City Administration recommends that the City Commission approve the ordinance amendment on second reading public hearing.

BACKGROUND:

At its September 8th, 2004 public hearing, the City Commission adopted the Neighborhood Conservation District enabling ordinance on second reading. In addition to the request for adoption of the ordinance, the City Administration recommended that the City Commission consider amending the ordinance to include provisions for interim design and/ or development review controls. Since the City Attorney opined that the Commission should not amend substantive new language without sufficient prior notice, the City Administration in consultation with the City Attorney recommended that the City Commission adopt the ordinance as advertised with the provision that new language regarding interim controls be brought back to the Commission for future adoption subsequent to prior review by the Planning Board. Consequently, the City Commission adopted the enabling ordinance by a vote of (6-1) affirming that the Planning Department draft the amendment regarding interim controls.

ANALYSIS:

In recommending that the Neighborhood Conservation District enabling ordinance be amended to allow the City Commission to initiate specific temporary design and/ or development review controls within a proposed NCD, the City administration has contemplated that due to the substantial length of the adoption process, certain aspects of a neighborhood's character key to the success of a particular NCD may be vulnerable to loss during the process. In particular, the amount of time which transpires between the City Commission's initial direction to staff to prepare an NCD plan and the formal adoption of specific design and/ or development controls by the Planning Board would likely be a minimum of three (3) months and could in some cases take six (6) months or more to achieve community consensus. During that time, a substantial number of building permits could be pulled that might threaten the ultimate success of the NCD plan. The current ordinance, as it has been defined, would not instate specific design and or development regulations until there has been a favorable recommendation by the Planning Board; this is several steps into the adoption process. Referring to the attached flow chart delineating the adoption procedures for NCDs as outlined in Section 118-705 of the adopted enabling ordinance, the process has been defined to incorporate four (4) or more public hearings in addition to required consensus building workshops; the third public meeting being the Planning Board hearing, at which time regulatory adherence to an NCD plan would be activated.

The City Administration believes that the City Commission should be able to initiate certain limited regulatory controls at the time of the preliminary review public hearing; step two (2) of the adoption process. Such interim controls would be outlined in the preliminary evaluation report and would be specifically tailored to the intent of the individual NCD. For example, some NCDs may warrant interim controls on demolition, while other NCDs may be focused on customizing building setbacks or defining developable lot regulations. Finally, staff believes any interim controls associated with an NCD should remain in place throughout the development of the plan and should expire generally within a period of six (6) months or with a favorable recommendation by the Planning Board pursuant to Article III Chapter 118 of the Code at which time *zoning in progress* would commence. This will ensure that a thoughtful development of the plan can occur, without the potential for loss of vital neighborhood character, as identified by the intent of the NCD.

CITY COMMISSION ACTION

The City Commission referred the item to the Planning Board contemporaneously with the adoption of the enabling legislation on September 8, 2004, by a vote of (6-1).

The City Commission heard this item on first reading, October 13, 2004 and voted 5-0 (2 absent) to recommend the amendment for second reading public hearing on November 10, 2004.

PLANNING BOARD ACTION

The Planning Board heard this matter at a public hearing on September 28, 2004, and

voted 4-0 (3 absent) to recommend that the City Commission approve the amendment to the recently adopted Neighborhood Conservation District enabling ordinance.

FISCAL IMPACT

The amendment creates new provisions within the adopted enabling legislation not specific to a particular NCD. Therefore, adverse fiscal impact is not contemplated with the adoption of this ordinance.

CONCLUSION

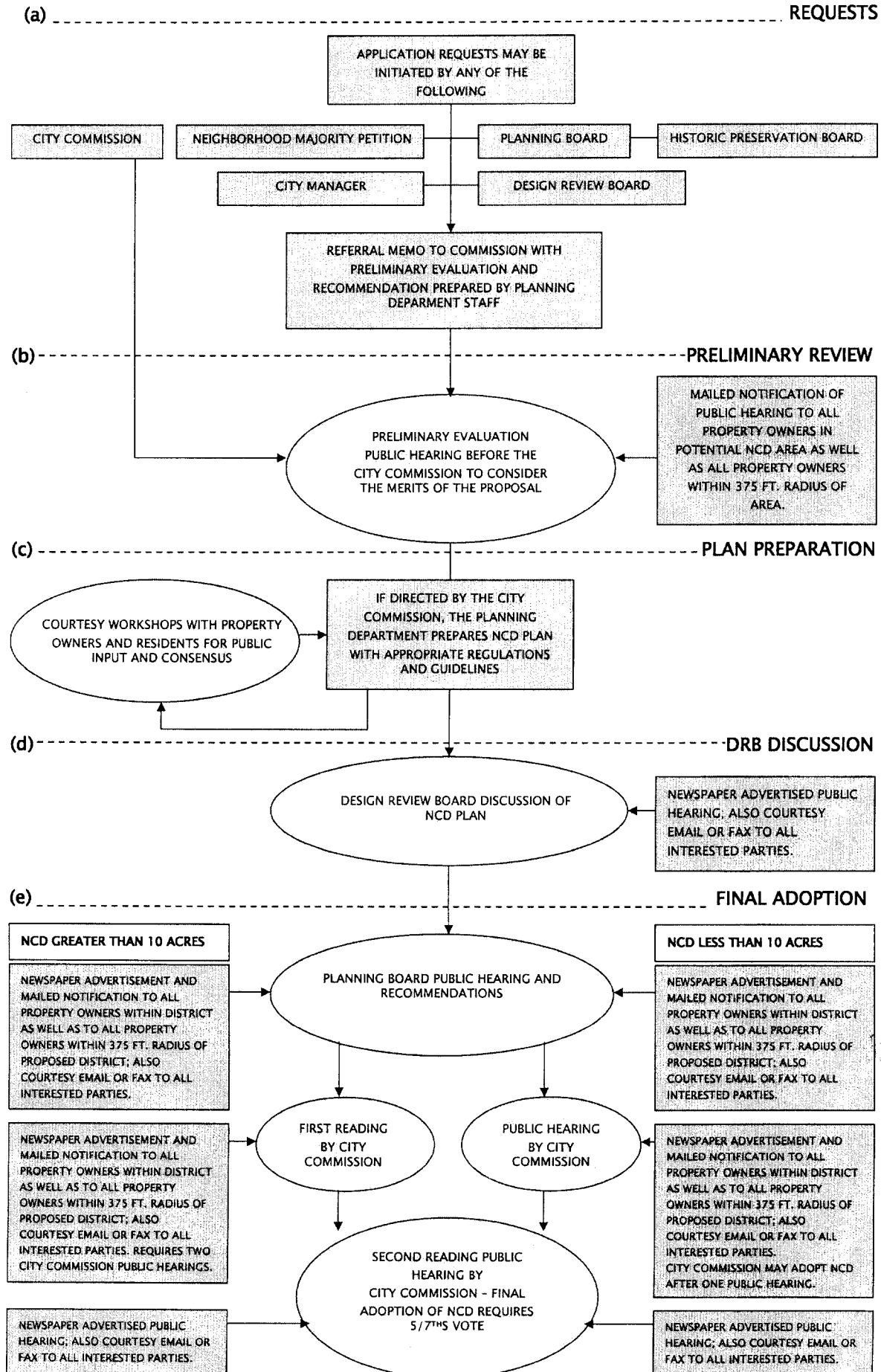
According to Sec. 118-164, when a request to amend the land development regulations does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance requires two readings, by title or in full on at least two separate days and shall, at least ten days prior to adoption, be noticed once in a newspaper of general circulation in the city. Following the second reading public hearing, the Commission can adopt the ordinance by a 5/7ths vote.


JMG/CMC/JGG/rnc

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PROCEDURES FOR ADOPTION OF A NEIGHBORHOOD CONSERVATION DISTRICT

Updated from Land Use and Development Committee Meeting
June 7, 2004



ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE XI, "NEIGHBORHOOD CONSERVATION DISTRICTS," BY CREATING A NEW SECTION 118-708, ENTITLED "ENFORCEMENT OF NCD REGULATIONS AND CRITERIA; APPLICATION OF EQUITABLE ESTOPPEL TO PERMITS AND APPROVALS,"; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach is distinguished by an extraordinary collective experience of residential neighborhoods; and

WHEREAS, the scale, character and quality of life in the neighborhoods of Miami Beach must be continually nurtured and safeguarded for future generations; and

WHEREAS, the City Commission has deemed it appropriate for the public health, safety and welfare of the City through the Future Land Use Section of the Comprehensive Plan to maintain and enhance the special character of residential neighborhoods of the City; and

WHEREAS, the City Commission has adopted the "Neighborhood Conservation District" enabling ordinance as an appropriate land development overlay tool in further achieving this objective; and

WHEREAS, the thoughtful development of specific Neighborhood Conservation Districts will require that fundamental elements key to their success be identified and appropriately regulated during the public review process; and

WHEREAS, the enforcement of NCD regulations and criteria and the application of equitable estoppel to permits and approvals as set forth below is necessary to accomplish the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. That Chapter 118, "Administration and Review Procedures," Article XI, "Neighborhood Conservation Districts" of the Land Development Regulations of the Code of the City of Miami Beach, Florida, is hereby amended by adding section 118-708, Enforcement of NCD regulations and criteria; application of equitable estoppel to permits and approvals, as follows:

Sec. 118-708. Enforcement of NCD regulations and criteria; application of equitable estoppel to permits and approvals.

- (a) Following the preliminary review public hearing, a referral by the City Commission to the Planning Department to pursue a proposed NCD designation shall impose the requirement that all applications and/ or requests for design and/ or development review approval within a proposed NCD shall be consistent with the character and intent of the proposed NCD as defined by the criteria set forth in the preliminary evaluation and recommendation prepared by the Planning Department.
- (b) Such requirement in (a) above shall expire upon the earlier of either the favorable recommendation of the NCD designation by the Planning Board, the effective date of the adopted NCD, a final vote of the City Commission declining to adopt the NCD, or six (6) months following the referral, unless the requirement in (a) is extended for an additional period of time by action of the City Commission.
- (c) In the event a property owner has obtained (i) a design review approval, (ii) a certificate of appropriateness, (iii) a variance approval where no design review approval or certificate of appropriateness is required, or (iv) a full building permit as defined in Section 114-1 where no design review approval, certificate of appropriateness or variance approval is required, prior to the referral in (a) above, the NCD criteria provided for in (a) above shall not be enforced against such project or application.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY. If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION. It is the intention of the City Commission that this Ordinance be entered into the Code, and it is hereby ordained that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect ten days after adoption.

PASSED and ADOPTED this _____ day of _____, 2004.

ATTEST:

CITY CLERK

MAYOR

VERIFIED

PLANNING DIRECTOR

DATE

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



CITY ATTORNEY 

10-5-04
DATE

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Commission\NCDinterimcontrolsamend708.OrdCC1st.10.13.04.doc

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(REFERENCE ONLY)

**Sec. 118-168. Proposed land development regulation amendments;
application of equitable estoppel to permits and approvals.**

- (a) Amendments to these land development regulations shall be enforced against all applications and/or requests for project approval upon the earlier of the favorable recommendation by the planning board or the applicable effective date of the land development regulation amendment, as more particularly provided below. After submission of a completed application for a project approval, to the extent a proposed amendment to these land development regulations would, upon adoption, render the application nonconforming, then the following procedure shall apply to all applications considered by the city or any appropriate city board:
 - (1) In the event the applicant:
 - a. Obtains (i) a design review approval, (ii) a certificate of appropriateness, (iii) a variance approval where no design review approval or certificate of appropriateness is required, or (iv) a full building permit as defined in section 114-1 where no design review approval, certificate of appropriateness or variance approval is required; and
 - b. Satisfies subsection a., above, prior to a favorable recommendation by the planning board with respect to any land development regulation amendment that is adopted by the city commission within 90 days of the planning board's recommendation, then the project shall be presumed to have received a favorable determination that equitable estoppel applies and the subject land development regulation amendment shall not be enforced against the application and/or project (hereinafter, a "favorable determination"), except as otherwise provided in subsection (b), below. If at any time before the expiration of the 90 days the proposed amendment fails before the city commission, then the project shall no longer be deemed nonconforming.
 - (2) In the event the applicant:
 - a. Obtains (i) a design review approval, (ii) a certificate of appropriateness, (iii) a variance approval where no design review approval or certificate of appropriateness is required, or (iv) a full building permit as defined in section 114-1 where no design review approval, certificate of appropriateness or variance approval is required; and

- b. Satisfies subsection a., above, prior to the effective date of any land development regulation amendment where there was an unfavorable recommendation by the planning board with respect to the land development regulation amendment, or when the planning board recommends favorably, but the city commission fails to adopt the amendment within the specified 90 day period, then the project shall be presumed to have received a favorable determination and the subject land development regulation amendment shall not be enforced against such application and/or project, except as otherwise provided in subsection (b), below.
- (3) In the event an applicant does not qualify under subsections (1) or (2) of this subsection (a) for a presumption of a favorable determination to avoid enforcement of adopted amendments against an application and/or project, then the applicant may seek a determination from a court of competent jurisdiction as to whether equitable estoppel otherwise exists. If, however, an applicant fails to seek a determination from the court, or if the court has made a determination unfavorable to the applicant, and such determination is not reversed on appeal, then the city shall fully enforce the adopted land development regulation amendment(s) against the applicant's application and/or project.
 - (4) Any presumption of a favorable determination under subsections (1) and (2) of this subsection (a), or any favorable determination under subsection (3) of this subsection (a), shall lapse contemporaneously with the failure, denial, expiration, withdrawal, or substantial amendment of the application, approval, or permit relative to the project or application to which the favorable determination is applied.
 - (5) For purposes of this subsection (a), all references to obtaining design review approval, a certificate of appropriateness or variance approval, shall mean the meeting date at which the respective board approved such application or approved such application with conditions. For purposes of this subsection (a), "substantial amendment" shall mean an amendment or modification (or a proposed amendment or modification) to an application, approval or permit which, in the determination of the planning and zoning director, is sufficiently different from the original application or request that the amendment would require the submission of a new application/request for approval of same. All references to obtaining a building permit shall mean the date of issuance of the permit.
 - (6) After submission of a completed application for a project approval, to the extent a proposed amendment to the land development regulations would, upon adoption, render the application nonconforming, then the city or any appropriate city board shall not approve, process or consider an application unless and until (i) the project has cured the nonconformity or

the applicant acknowledges that the city shall fully enforce the adopted land development regulation amendment(s) against the applicant's application and/or project; (ii) the project qualifies under subsections (1) or (2), and subject to subsection (4), of this subsection (a), above; or (iii) a favorable determination has been made by a court. Except as otherwise provided herein, any proceeding or determination by any city employee, department, agency or board after a project becomes nonconforming shall not be deemed a waiver of the city's right to enforce any adopted land development regulation amendments.

- (b) Subsections 118-168(a) and (b) shall not apply to proposed amendments to chapter 118, which would designate specific properties or districts as historic. The moratorium regulations applicable to such proposed amendments are set forth in chapter 118, article X, division 4.

(Ord. No. 89-2665, § 14-7, eff. 10-1-89; Ord. No. 92-2865, eff. 8-7-93; Ord. No. 94-2947, eff. 10-15-94; Ord. No. 98-3106, § 1, 1-7-98; Ord. No. 98-3130, § 1, 7-15-98; Ord. No. 2000-3253, § 1, 7-12-00)

(REFERENCE ONLY)

Section 114-1

Full building permit means the full and complete building permit allowing construction of the entire project, and requiring submission of all plans required and approved by the design review board, the historic preservation board, the planning board or the board of adjustment. A full building permit shall not be merely a demolition, electrical, foundation, mechanical or plumbing permit or any other partial permit that does not include all plans for the entire project as submitted, required and approved by the design review board, the historic preservation board, the planning board or the board of adjustment; except that projects that have been approved for phased development by the design review board, the historic preservation board, the planning board or the board of adjustment may obtain a phased development permit instead of a full building permit.

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS



NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, November 10, 2004, at the times listed below to consider the following:**

at 11:00 a.m.:

AN ORDINANCE AMENDING ORDINANCE NUMBER 2003-3411 BY AMENDING THE RESTRICTIONS ON THE LOCATIONS WHERE PANHANDLING IS PROHIBITED AND PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Inquiries may be directed to the Legal Department at (305) 673-7470.

at 11:15 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF FIELD INSPECTOR I, FIELD INSPECTOR II AND PARKING DISPATCHER IN GROUP IV, BEING THOSE CLASSIFICATIONS COVERED BY THE COMMUNICATION WORKERS OF AMERICA (CWA), LOCAL 3178; TRANSFERRING THE TITLES OF THE CLASSIFICATIONS OF BACKFLOW COORDINATOR, CARPENTER SUPERVISOR, CENTRAL SERVICES SUPERVISOR, LEAD MECHANIC, SANITATION OPERATIONS SUPERVISOR, SERVICE SUPERVISOR, AND 911 COMMUNICATIONS RECORDS CUSTODIAN FROM GROUP VI, BEING OTHER CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT, TO GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA (GSAF), OPEIU LOCAL 100; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE AND CODIFICATION.

at 11:16 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1605, UNCLASSIFIED EMPLOYEES SALARY ORDINANCE, ESTABLISHING THE CLASSIFICATIONS OF CODE COMPLIANCE DIVISION DIRECTOR, CULTURAL FACILITIES MANAGER, FIELD MONITOR, GEOGRAPHIC INFORMATION SYSTEM ANALYST, HUMAN RESOURCES & RISK MANAGEMENT DIRECTOR, NEIGHBORHOOD SERVICES PROJECTS ADMINISTRATOR AND SENIOR MANAGEMENT ANALYST; AMENDING THE TITLES OF THE CLASSIFICATIONS OF BEACH PATROL CAPTAIN TO OCEAN RESCUE DIVISION CHIEF, FIELD INSPECTOR TO FIELD SUPERVISOR, MANAGEMENT & BUDGET DIRECTOR TO BUDGET & PERFORMANCE IMPROVEMENT DIRECTOR, AND RIGHT OF WAY SUPERVISOR TO RIGHT OF WAY MANAGER; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

at 11:17 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1335, THE CLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE FOR THE FRATERNAL ORDER OF POLICE (FOP), THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), AND CLASSIFIED EMPLOYEES NOT COVERED BY A BARGAINING UNIT AND KNOWN AS THE GROUP "OTHERS" PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

at 11:18 a.m.:

AN ORDINANCE AMENDING ORDINANCE NO. 1613, THE UNCLASSIFIED EMPLOYEES' LEAVE ORDINANCE, BY AMENDING THE PROVISIONS FOR ACCUMULATION AND PAYMENT OF ANNUAL AND SICK LEAVE; PROVIDING FOR A REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Inquiries may be directed to Human Resources at (305) 673-7524.

at 11:30 a.m.:

AN ORDINANCE AMENDING CHAPTER 142, "LAND DEVELOPMENT REGULATIONS," OF THE CITY CODE; DIVISION 7, "CCC, CIVIC AND CONVENTION CENTER DISTRICT," BY CREATING A NEW SECTION 142-368 ENTITLED "OFFSITE PARKING," PROVIDING THAT REQUIRED PARKING PROVIDED FOR USES IN THIS DISTRICT, LOCATED OFF-SITE PURSUANT TO SECTION 130-36, SHALL NOT BE INCLUDED IN PERMITTED FLOOR AREA WHEREVER LOCATED; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

at 5:01 p.m.:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," AND DIVISION 15, "TH TOWN HOUSE RESIDENTIAL DISTRICT," BY AMENDING SECTION 142-156, SECTION 142-218 AND SECTION 142-606, RESPECTIVELY, TO ESTABLISH REVISED STANDARDS FOR PARKING LOT SETBACK REQUIREMENTS WHEN THERE IS AN APPROVED STREET IMPROVEMENT PLAN THAT INCORPORATES A PUBLIC-PRIVATE PARKING AGREEMENT WITH THE CITY; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

at 5:05 p.m.:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE XI, "NEIGHBORHOOD CONSERVATION DISTRICTS," BY CREATING A NEW SECTION 118-708, ENTITLED "ENFORCEMENT OF NCD REGULATIONS AND CRITERIA; APPLICATION OF EQUITABLE ESTOPPEL TO PERMITS AND APPROVALS," PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #0285)

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY



Condensed Title:

Permitting temporary parking lots in the MXE, "Mixed Use Entertainment" Zoning District that face Collins Avenue, an additional 5-year time limit; clarifying sign regulations for Temporary Lots and modifying the landscape standards for Temporary Lots.

Issue:

Should the regulations for the Temporary Parking Lot Standards be amended to allow an additional 5-year time limit and improve landscaping standards for these temporary parking lots?

Item Summary/Recommendation:


The Administration recommends that the City Commission approve the proposed ordinance on first reading and set a second reading public hearing for the December 8, 2004 meeting.

Advisory Board Recommendation:

At the September 28, 2004 meeting of the Planning Board, by a vote of 6-0 (one member absent) recommended approval of the proposed ordinance to the City Commission incorporating the suggestions made by the Planning Department staff and other modifications to the ordinance made by the Board. These modifications have been incorporated into the proposed ordinance.

1. As modified by Planning Department staff, the request for a two-year extension after ten years should be reviewed by the Planning Board.
2. Improvement of the landscape standards, including some interior landscaping and in-ground irrigation.
3. Submittal of a recurring maintenance plan.
4. Posting of a sign that indicates the name of the operator, the phone number to call for complaints, and who can use the parking facility.

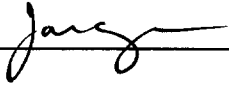
Financial Information:

Source of Funds:  Finance Dept.		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Mercy Lamazares/Jorge Gomez

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM RSI
DATE 11-10-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

First Reading

Subject: Temporary Parking Lots in the MXE "Mixed Use Entertainment District"

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 130 "OFF-STREET PARKING," ARTICLE III, "DESIGN STANDARDS," BY PERMITTING TEMPORARY PARKING LOTS IN THE MXE, "MIXED USE ENTERTAINMENT" ZONING DISTRICT THAT FACE COLLINS AVENUE, AN ADDITIONAL TIME PERIOD OF 5 YEARS; CLARIFYING SIGN REGULATIONS FOR TEMPORARY LOTS AND MODIFYING THE LANDSCAPE STANDARDS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the proposed ordinance on first reading and set a second reading public hearing for the December 8, 2004 meeting.

BACKGROUND

Currently the City Code permits Temporary commercial or noncommercial parking lots in the MR marine recreational district, GU government use district, MXE Mixed Use Entertainment District or in any commercial district. Temporary, **noncommercial** lots may be located in the R-PS1--4 and in any multifamily residential district or within the architectural district as defined in section 114-1. A noncommercial lot is one where parking is initially approved for a specific use and not offered to the general public.

Temporary parking lots can exist for three years and a request can be made for one initial extension of time for a two-year period, which would be granted by the Planning Board. After the initial extension of time, the planning and zoning director may grant up to five one-year extensions of time.

Because of these existing regulations, Avalon 1201 Collins, LLC, is requesting to amend Section 130-70(8) of the Land Development Regulations of the City Code extending the maximum time period where a Temporary Parking Lot is permitted to exist in the MXE, Mixed Use Entertainment District zoning district when these parking lots face Collins Avenue.

ANALYSIS

The applicant is the owner of the 1201 Collins Avenue property where the current temporary parking facility will expire on September 30, 2004, after a ten-year existence. An affiliate of the applicant also owns the Tides Hotel on Ocean Drive and 12th Street, which uses this parking facility for hotel guests and restaurant patrons.

Currently the City Code allows permanent surface parking lots in the commercial districts throughout the City and in the RM-1, 2, 3 multi-family districts, but not in the MXE. This particular facility will not be able to convert to permanent standards like it would be possible in other districts. The applicant's contention is that by removing this facility from the inventory of parking spaces, the parcel would remain vacant and unsightly because of the inability, at this time, to develop the property. The applicant is also hypothetically questioning the wisdom of removing parking spaces at a time when the general area of South Beach needs it most. Because of all these considerations, this proposal is being made to amend the Land Development Regulations of the Code so that existing and currently licensed temporary parking lots could receive five additional extensions of time of one-year each, granted by the Planning Director for those lots in the MXE that face Collins Avenue.

The boundaries of the MXE district are: 5th and 6th Streets on the south (Ocean Drive and Collins Avenue respectively); Atlantic Ocean on the east and Collins Court on the west; and 16th Street on the north. In this general area, there are three parking garages and two temporary parking lots (inclusive of the property owned by the applicant) on the east side of Collins Avenue; and two surface parking lots on the west side of Collins Avenue – one of which is a municipal parking lot.

While it is true that when this parking facility expired at the end of September (the one across the street, at 1155 Collins Avenue also expired at the same time), in excess of 50 spaces will be removed from the inventory. The administration is concerned about the request because in ten years no development plans have come forward, perhaps because of the comfort level of having a revenue stream from the vacant property. On the other hand, the elimination of parking spaces in the area is also a big concern because of the already existing shortage. This situation is a quagmire of conflicting forces: the MXE district does not permit permanent surface parking facilities versus the acute shortage of parking spaces in the district; and the longer a temporary parking facility is permitted to operate, the longer it will be before permanent development occurs.

Weighing these conflicting forces, and the fact that the applicant, the owner of the 1201 Collins Avenue facility, is not ready to develop the property, the administration would rather

see a well-landscaped parking lot than to have an unsightly vacant property in the historic district. To this end, the administration is amenable to extending the time, and recommends that this ordinance be approved but that instead of five one-year extensions of time, that an applicant request the next extension of time from the Planning Board for a period not exceeding two years. After this two-year extension, then three one-year extensions may be requested from the planning director.

PLANNING BOARD ACTION

At the September 28, 2004 meeting of the Planning Board, by a vote of 6-0 (one member absent) the Board recommended approval of the proposed ordinance to the City Commission incorporating the suggestions made by the Planning Department staff and other modifications to the ordinance made by the Board. These modifications have been incorporated into the proposed ordinance.

1. As modified by Planning Department staff, the request for a two-year extension after ten years should be reviewed by the Planning Board.
2. Improvement of the landscape standards, including some interior landscaping and in-ground irrigation.
3. Submittal of a recurring maintenance plan.
4. Posting of a sign that indicates the name of the operator, the phone number to call for complaints, and who can use the parking facility.

FISCAL IMPACT

This proposal has no associated negative fiscal impact upon enactment. Quite the contrary, approval of the proposal will help alleviate the parking shortage in the South Beach area.

CONCLUSION

Pursuant to Section 118-164(3), when a request to amend these Land Development Regulations does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least two separate days and shall, at least ten days prior to adoption, be noticed once in a newspaper of general circulation in the city.

Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths of all members of the City Commission.

JMG/CMC/JGG/ML

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 130 "OFF-STREET PARKING," ARTICLE III, "DESIGN STANDARDS," BY PERMITTING TEMPORARY PARKING LOTS IN THE MXE, "MIXED USE ENTERTAINMENT" ZONING DISTRICT THAT FACE COLLINS AVENUE, AN ADDITIONAL TIME PERIOD OF 5 YEARS; CLARIFYING SIGN REGULATIONS FOR TEMPORARY LOTS AND MODIFYING THE LANDSCAPE STANDARDS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, temporary parking lots may be operated in all commercial and multi-family zoning districts, including areas zoned MXE; and

WHEREAS, temporary parking lots can only operate for ten (10) years, after which time they must convert to permanent parking lots or the use shall be abandoned; and

WHEREAS, in all commercial and multi-family districts where temporary parking lots are permitted, except for the MXE district, temporary parking lots may be upgraded to permanent parking lots; and

WHEREAS, that part of South Beach zoned MXE has a severe shortage of available parking; and

WHEREAS, it is in the interest of the City to allow temporary parking lots on Collins Avenue in the MXE district to operate for more than ten (10) years so as to not exacerbate the parking shortage.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF MIAMI BEACH, FLORIDA:

Section 1. **Findings.** The foregoing recitals and premises are hereby found to be true and correct and are incorporated herein as if set forth in full herein.

Section 2. Chapter 130 of the Code of the City of Miami Beach entitled "Off-Street Parking," Section 130-70, entitled "Temporary Parking Lot Standards," shall be amended as follows:

Sec. 130-70. Temporary parking lot standards.

When permitted, the following standards are established for temporary parking lots:

- (1) Temporary commercial or noncommercial parking lots may be operated in the MR marine district, GU government use district, MXE Mixed Use Entertainment District or in any commercial district. These lots may be operated independent of a primary use. Temporary, noncommercial lots may be located in the R-PS1--4 and in any multifamily residential district or within the architectural district as defined in section 114-1. One sign per street frontage is permitted. The maximum size of each sign shall be five square feet per 50 feet of street frontage. This sign shall also include copy that indicates the name of the operator, the phone number of operator to report complaints, and who can use the parking facility; i.e., whether it is open to the general public, private, valet or self-parking.

* * *

- (8) Temporary parking lots shall not be permitted to exist for a period of time greater than three years from the date of ~~building permit issuance~~ certificate of occupancy or occupational license, whichever occurs first, regardless of ownership. At the end of this period, or such extensions ~~period(s) which~~ that may be granted as contemplated herein, if the lot continues to be used for the purposes of parking, a permanent lot shall be constructed in conformity with these land development regulations zoning ordinance; however, prior to expiration, an applicant may request from the planning board (~~prior to expiration~~) one initial extension of time for a period not exceeding two years. In granting the initial extension of time, or considering an appeal from the planning ~~and zoning~~ director's decision regarding an extension of time (as provided below), the board shall consider, among other things, whether the applicant has complied with all of the applicable requirements of these land development regulations zoning ordinance and this Code, and any conditions imposed by the planning board, if any, during its period of operation, as well as any landscaping on the property that may not be in compliance with the requirements listed below. The notice of public hearing requirements shall be as set forth in chapter 118, article IV.

After the initial extension of time, and prior to expiration, the applicant may request from the planning ~~and zoning~~ director (~~prior to expiration~~) not more than five extensions of time for periods not to exceed one year each. In considering a request for an extension of time, the director shall consider the same criteria considered by the planning board as specified above. Except that in the MXE District, for approved temporary parking lots existing as of September 28, 2004, that face Collins Avenue, an applicant may request from the planning board, a further extension of time for a period not to exceed two years. After this two-year extension, no more than three one-year extensions may be requested from the planning director. The review by the planning board shall consider the extent to which the existing or proposed landscaping on the property satisfies the landscaping review criteria. If existing or proposed landscaping is below the specified criteria, the planning board may determine whether such landscaping is sufficient based upon the characteristics of the property.

The decision of the director with respect to an extension of time may be appealed by the applicant to the planning board. ~~Provided, however, said~~ The appeal shall be in writing and shall be submitted to the planning and zoning director on or before the 20th day after the date of the decision of the planning and zoning director. Review of the decision of the planning board shall be to a court of competent jurisdiction by petition for writ of certiorari.

(9) Landscaping requirements:

A landscape plan that specifies and quantifies the existing and/or proposed plant material inclusive of mature shade trees, hedge material, ground cover and in-ground irrigation shall be submitted for review and approval by the planning department, according to the following criteria.

- a. At a minimum, the plan shall indicate a five-foot wide, landscaped area bordering the surface area along a property line, street, alley or sidewalk. The areas fronting a street or alley shall be landscaped with a grouping of three palms every 15 linear feet of frontage or one canopy tree every 20 feet of frontage. All landscaped areas shall utilize St. Augustine Grass or planted material acceptable to the planning department.
- b. A hedge that is at least 36 inches in height at the time of planting shall be installed on the entire perimeter of the lot; hedges on street or alley frontages shall not exceed 42 inches in height at maturity. The hedge material planted on any side of the lot that abuts the lot line of another property shall be at least 48 inches (4 feet) in height at time of planting and shall not exceed 60 inches (5 feet) at maturity.
- c. For temporary parking lots seeking an extension of time from the planning board, the interior landscaping of lots exceeding 55 feet in width, shall be a minimum of five percent of net interior area. One shade tree or grouping of three palms with a clear trunk of at least six feet shall be provided for each 100 square feet or fraction thereof of required landscaped area. Such landscaped areas shall be located and designed in such a manner as to divide and break up the expanse of paving. Parking lots that are 55 feet wide or less shall not be required to provide interior landscaping.
- d. Landscaped areas shall require protection from vehicular encroachment. Car stops shall be placed at least 2 ½ feet from the edge of the paved area.
- e. Notwithstanding the dimensions of a parking lot, an in-ground irrigation system that covers 100 percent of the landscaped areas shall be required and shown on the landscape plan.
- f. All landscaping that is placed on the lot shall be maintained in good condition so as to present a healthy, neat and orderly appearance. Prior to the issuance of an occupational license for a temporary parking lot, the applicant shall submit a plan

for a recurring maintenance schedule that includes, but is not limited to, cleaning the lot, clipping of hedge material, removing and replacement of dead plant material, fertilization and irrigation. This maintenance plan shall be approved by the planning department.

Section 3. Inclusion in Code. It is the intention of the Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "Ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. Effective Date. This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2004.

MAYOR

ATTEST:

CITY CLERK

First Reading:
Second Reading:

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

M. H. Sullivan 11-3-04
City Attorney glt Date

Underscore denotes new language

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City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

TO: Mayor David Dermer and
Members of the City Commission

DATE: November 10, 2004

FROM: Murray H. Dubbin
City Attorney

FIRST READING

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CORRECTING THE NAME OF THE "FLORIDA SISTER CITIES PROGRAM" TO READ THE "CITY OF MIAMI BEACH SISTER CITIES PROGRAM;" AND AMENDING THE COMPOSITION OF THE COORDINATING COUNCIL AND THE PROVISIONS REGARDING TERM OF SERVICE.

Pursuant to the request of Mayor David Dermer, the above-referenced Ordinance is submitted for consideration by the Mayor and City Commission for first reading. The proposed Ordinance corrects the name of the Sister Cities Program. The words "City of Miami Beach" were removed by the firm that codifies the City Code when it made a global substitution in the Code of the word "City" for the words "City of Miami Beach."

In addition, the composition and term of service provisions of the coordinating council have been modified to assure adequate and continued representation of each sister city on the council.

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ORDINANCE NO.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING CHAPTER 2 OF THE CITY CODE ENTITLED "ADMINISTRATION;" BY AMENDING ARTICLE III ENTITLED "AGENCIES, BOARDS AND COMMITTEES;" BY AMENDING DIVISION 15 ENTITLED "FLORIDA SISTER CITIES PROGRAM" TO CORRECT THE NAME TO READ THE "MIAMI BEACH SISTER CITIES PROGRAM" THROUGHTOUT DIVISION 15; AND BY AMENDING SECTION 2-181(D), ENTITLED "COMPOSITION," BY AMENDING THE MEMBERSHIP OF THE SISTER CITIES' COORDINATING COUNCIL AND THE PROVISIONS REGARDING TERM OF SERVICE; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, in order to correct certain unintended word substitutions that were made by the firm that codifies the City's Code, changes should be made throughout Division 15 of Chapter 2 of the Code so that the name of the Sister Cities Program will reflect the name of the City of Miami Beach; and

WHEREAS, in addition, changes in the composition and term of service provisions of the sister cities' coordinating council should be made to assure adequate and continued representation of each sister city on the council.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA as follows:

SECTION 1. AMENDMENT OF SECTION 2-181.

That Section 2-181 of Division 15 of Chapter 2 of the Miami Beach City Code is hereby amended to read as follows:

CHAPTER 2

ADMINISTRATION

* * *

Article III. Agencies, Boards and Committees

* * *

DIVISION 15. CITY OF MIAMI BEACH FLORIDA SISTER CITIES PROGRAM

Sec. 2-181. Established; powers and duties; composition.

(a) *Established.* There is hereby established the ~~e~~City of Miami Beach Florida ~~s~~Sister e~~Cities p~~Program, whose purposes, power and duties, composition, membership qualification and general governing regulations are as set forth in this section.

(b) *Purpose.* See subsection (c) of this section.

(c) *Powers and duties.* The powers and duties of the program are to:

(1) Cause the people of the city and the people of foreign cities to acquire a consciousness of each other, to understand each other as individuals, as members of their community, as citizens of their country and as part of the family of nations.

(2) Promote, as a consequence of such knowledge and consciousness, a continuing relationship of mutual concern between the people of the city and the people of its sister cities.

(3) Promote art, cultural, educational and business exchanges between the city and its sister cities.

(d) *Composition.* The coordinating council is the governing body of the overall sister cities program. The council shall consist of ~~two~~ one representatives per sister city affiliation who shall serve on the council until the expiration of his/her term or until a successor member is appointed, whichever is later, and nine ~~four~~ members appointed from the county at-large. All of these members are appointed by the mayor.

(e) *Knowledge and experience.* The members of the coordinating council shall be residents of the county who are interested in furthering the purpose of the program. Any person interested in furthering the purpose of the program may become a member of an individual sister city committee upon approval by the coordinating council. To qualify, the person shall present a resume and a letter of interest to the committee chairperson.

(f) *Supporting department.* The supporting department of the program is the office of the mayor and commission.

SECTION 2. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this

ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect on the ____ day of _____, 2004.

PASSED AND ADOPTED this ____ day of _____, 2004.

MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

M. B. Dublin 11-2-04
City Attorney Date

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution approving the vacation of a portion of West 59th Street street-end, west of North Bay Road, in favor of Roger Schindler and wife Leslie, owners of the adjacent property located at 5860 North Bay Road.

Issue:

Shall the City vacate a portion of West 59th Street street-end, west of North Bay Road?

Item Summary/Recommendation:

The City Commission on March 20, 2002, following the recommendation of the Land Use and Development Committee, directed the sale of the street-ends on West 56th and West 59th Streets to the adjacent property owners. The property owners adjacent to West 59th Street street-end have complied with the vacation application requirements by submitting the application fee and providing a list of affected property owners. This application was delayed while the City reviewed the authority and procedure for vacating or disposing of public right-of-ways and property. The Finance and Citywide Projects Committee on June 9, 2004 requested the Administration treat each applicant on a case by case basis. At another meeting on August 18, 2004 the Finance and Citywide Projects Committee recommended that all requests for vacating City property meet the criteria established for a revocable permit and prove that there is an extraordinary public benefit to be provided by such vacation. The City Commission adopted that recommendation at the meeting on September 8, 2004.

The Administration recommends denial of the request to vacate property based on the failure to meet four of the seven evaluation criteria for a revocable permit, no extraordinary public benefit and no endorsement by the Planning Analysis conducted by the Planning Department.

The applicants have requested that his item be continued to the meeting on December 8, 2004. The Administration concurs with that request.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
<div><div></div><div>Finance Dept.</div></div>	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Robert T. Halfhill

Sign-Offs:

Department Director	Assistant City Manager	City Manager

M:\SCMB\PUBLIC WORKS DEPARTMENT\COMMISSION AGENDA ITEMS\NOVEMBER 10, 2004\59TH STREET SCHINDLER VACATING PROPERTY\59th St. Schindler Summary.doc

AGENDA ITEM R7A
DATE 11-10-04

CITY OF MIAMI BEACH


CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager 

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING TO HEAR PUBLIC COMMENT ON SAME, APPROVING AND AUTHORIZING THE VACATION OF A PORTION (THE SOUTHERN HALF) OF THE WEST 59TH STREET STREET-END, WEST OF NORTH BAY ROAD, IN FAVOR OF ROGER J. SCHINDLER AND LESLIE SCHINDLER, OWNERS OF THE ADJACENT PROPERTY, LOCATED AT 5860 NORTH BAY ROAD; RETAINING UTILITY EASEMENT RIGHTS WITHIN SAID VACATED PORTION OF THE STREET; WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS, PURSUANT TO ARTICLE II, SECTION 82-36 THROUGH 82-40 OF THE MIAMI BEACH CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE THE VACATION, INCLUDING A QUITCLAIM DEED, SUBJECT TO FINAL REVIEW AND APPROVAL OF SAME BY THE CITY ATTORNEY'S OFFICE.**

ADMINISTRATION RECOMMENDATION:

The Administration recommends denial of the request to vacate due to the failure to satisfy four of the seven evaluation criteria elements for a revocable permit, no extraordinary public benefit and the negative opinions in the Planning Analysis conducted by the Planning Department.

The applicants have requested that his item be continued to the meeting on December 8, 2004. The Administration concurs with that request.

BACKGROUND:

City right-of-ways have been vacated previously by criteria established by the City in 1989 and City Code, Chapter 82, Article II, Section 82-37. When the LaGorce-Golf Subdivision was platted in 1925, a portion of West 56th Street and West 59th Street, at the extreme ends adjacent to the bay, were retained as private land and sold to one of the adjacent property owners (see attached sketch "A"). A thirty (30) feet deep portion of West 59th Street street-end is now owned by Roger Schindler and wife Leslie, owners of the property

located at 5860 North Bay Road.

Mr. Roger Schindler was granted a revocable permit on December 24, 1991 for the installation of a wrought iron gate and fence enclosing the remainder of West 59th Street street-end, west of North Bay Road.

In 2001, when a construction permit was sought for the reconstruction of the existing wall and gates, an amendment to the revocable permit was requested. On December 19, 2001 an amendment to the revocable permit was denied by the City Commission because of the ownership questions. The issue was referred to the Land Use and Development Committee.

The City Commission, upon the recommendation of the Land Use and Development Committee, directed the Administration to consider the sale of the street-ends on West 56th and West 59th Streets to the adjacent property owners, while maintaining all the necessary utility easements.

Mr. Thomas Harris and Mr. Roger Schindler, the property owners adjacent to the West 59th Street street-end, responded affirmatively to this vacation offer and met the requirements as set forth in the July 26, 1989 Land Use Committee guidelines and City Code Chapter 82, Article II Sec. 82-37 for street vacation application requirements. The review of these requests by the Commission was delayed due to questions regarding the City's procedures for vacating, selling or otherwise disposing of City owned property. The Finance and Citywide Projects Committee on June 9, 2004 recommended each applicant be evaluated on a case by case basis.

On July 7, 2004 the City Commission adopted Resolution Nos. 2004-25621 and 2004-25622 setting a public hearing for September 8, 2004 to consider the vacation of 59th Street. At the same meeting the City Commission referred the issue of vacating City property to the Finance and Citywide Projects Committee.

The Finance and Citywide Projects Committee met on August 18, 2004 and recommended that all requests for vacating City property must meet the seven criteria for granting of revocable permits and must demonstrate that an extraordinary public benefit will be provided by such vacation.

ANALYSIS:

The application was evaluated using the criteria for a revocable permit and supported by the attached Planning Analysis written by the Planning Department. The Administration's review of the seven criteria elements for revocable permits is provided below:

- 1) That the applicants need is substantial.

Not satisfied. The applicants have not demonstrated that their need for half of the street-end is substantial.

- 2) That the applicants hold title to an abutting property.

Satisfied.

- 3) That the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood plans and laws.

Satisfied. Any improvement would have to be permitted and approved by the City.

- 4) That the grant of such application will have no adverse effect on governmental/utility easements and uses on the property.

Satisfied. The City retains utility easements.

- 5) Alternatively:

- a) That an unnecessary hardship exists that deprives the applicant of a reasonable use of the land, structure or building for which vacation is sought, arising out of special circumstances and conditions that exist and were not self-created and are peculiar to the land, structures or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district and the grant of the application is the minimum that will allow reasonable use of the land, structures or building;

Not satisfied. The applicants have not demonstrated that any hardship exists that deprives them of a reasonable use of the existing street-end.

- b) That the grant of the vacation will enhance the neighborhood and/or community by such amenities as, for example, enhanced landscaping, improved drainage, improved lighting, and improved security.

Not satisfied. The applicants have not demonstrated that the grant of the vacation will enhance the neighborhood. On the contrary the applicants have pursued the vacation to legalize the construction of a wall and gates that would keep the street-end private and deprive the neighbors and the general public of open green space and open bay vistas.

- 6) That granting the vacation requested will not confer on the applicants any special privilege that is denied to other owner of land, structures or buildings subject to similar conditions.

Not satisfied. A similar request at 2900 Prairie Avenue has been denied.

- 7) That granting the vacation will not be injurious to the surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.

Not satisfied. By definition, a public right-of-way is property held by the City as a

community resource to be used for public benefit. If the street-end is vacated title will be conveyed to the applicants allowing them to enclose the property with gates, fence, vegetation, etc., therefore taking away open green space and bay views from the general public.

The applicants have not demonstrated that an extraordinary public benefit will be created by vacating the street-end and taking it away for use and enjoyment by the general public.

The Planning Analysis conducted by the Planning Department does not endorse the vacation of the 59th Street street-end.

In accordance with Ordinance No. 92-2783, codified into City Code Chapter 82, Article II, Section 82-37, the City has advertised and scheduled the public hearing during the September 8, 2004, Commission meeting.

JMG/RCM/FHB/II

M:\\$CMB\PUBLIC WORKS DEPARTMENT\COMMISSION AGENDA ITEMS\NOVEMBER 10, 2004\59TH STREET SCHINDLER VACATING PROPERTY\59th St Schindler Memo.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING TO HEAR PUBLIC COMMENT ON SAME, APPROVING AND AUTHORIZING THE VACATION OF A PORTION (THE SOUTHERN HALF) OF THE WEST 59TH STREET STREET-END, WEST OF NORTH BAY ROAD, IN FAVOR OF ROGER J. SCHINDLER AND LESLIE SCHINDLER, AS OWNERS OF THE ADJACENT RESIDENTIAL PROPERTY, LOCATED AT 5860 NORTH BAY ROAD; RETAINING UTILITY EASEMENT RIGHTS WITHIN SAID VACATED PORTION OF THE STREET-END; WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS, PURSUANT TO ARTICLE II, SECTION 82-36 THROUGH 82-40 OF THE MIAMI BEACH CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE THE VACATION, INCLUDING A QUITCLAIM DEED, SUBJECT TO FINAL REVIEW AND APPROVAL OF SAME BY THE CITY ATTORNEY'S OFFICE.

WHEREAS, when LaGorce-Golf Subdivision was platted in 1925, a portion of the West 59th Street street-end, adjacent to and fronting Biscayne Bay, was retained as private property and continues to be owned by the adjacent residential property owners; and

WHEREAS, pursuant to a request for vacation of the aforestated street-end by the respective adjacent property owners, and due to the aforementioned unique situation whereby the portion of said street-end fronting the water is privately owned, the Mayor and City Commission, on March 20, 2002, upon the recommendation of the Land Use and Development Committee, directed the Administration to consider the vacation of said street-end to the adjacent property owners provided that the City retained rights to all the necessary utility easements; and

WHEREAS, Mr. Roger Schindler and his wife, Leslie (collectively, the Applicant), owns the adjacent residential property at 5860 North Bay Road, and has requested the vacation of an approximately 204 feet long by 25 feet wide section of the southern half portion of the West 59th Street street-end; and

WHEREAS, the City's Public Works Department has received and reviewed the Applicant's request for vacation and hereby certifies that the Applicant has complied with the City's application submittal requirements for such vacation; and

WHEREAS, the Planning Department has prepared a planning analysis with respect to the proposed vacation request; the Administration would further recommend that the Mayor and City Commission waive the competitive bidding and appraisal requirements, pursuant to Article II, Section 82-36 through 82-40 of the City Code, finding such waiver to be in the best interest of the City.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, following a duly noticed public hearing to hear public comment on same, that the Mayor and City Commission hereby approve and authorize the vacation of a portion (the southern half) of the West 59th Street street-end, West of North Bay Road, in favor of Roger and Leslie Schindler, owners of the adjacent residential property, located at 5860 North Bay Road; retaining utility easement rights within said vacated portion of the street-end; waiving, by 5/7ths vote, the competitive bidding and appraisal requirements, pursuant to Article II, Section 82-36 through 82-40 of the Miami Beach City Code, finding such waiver to be in the best interest of the City; and authorizing the Mayor and City Clerk to execute any and all documents to effectuate the vacation, including a quitclaim deed, subject to final review and approval of the same by the City Attorney.

PASSED and ADOPTED this _____ day of _____, 2004


ATTEST:

MAYOR


CITY CLERK

M:\SCMB\PUBLIC WORKS DEPARTMENT\COMMISSION AGENDA ITEMS\OCTOBER 13, 2004\SCHINDLER 56TH\59th Street Schindler Reso1.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney



Date

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**

**Condensed Title:**

A Resolution approving the vacation of a portion of West 59th Street street-end, west of North Bay Road, in favor of Thomas Harris, owner of the adjacent property located at 5900 North Bay Road.

Issue:

Shall the City vacate a portion of West 59th Street street-end, west of North Bay Road?

Item Summary/Recommendation:

The City Commission on March 20, 2002, following the recommendation of the Land Use and Development Committee, directed the sale of the street-ends on West 56th and West 59th Streets to the adjacent property owners. The property owners adjacent to West 59th Street street-end have complied with the vacation application requirements by submitting the application fee and providing a list of affected property owners. This application was delayed while the City reviewed the authority and procedure for vacating or disposing of public right-of-ways and property. The Finance and Citywide Projects Committee on June 9, 2004 requested the Administration treat each applicant on a case by case basis. At another meeting on August 18, 2004 the Finance and Citywide Projects Committee recommended that all requests for vacating City property meet the criteria established for a revocable permit and prove that there is an extraordinary public benefit to be provided by such vacation. The City Commission adopted that recommendation at the meeting on September 8, 2004.

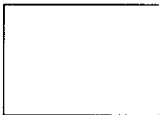
The Administration recommends denial of the request to vacate property based on the failure to meet four of the seven evaluation criteria for a revocable permit; no extraordinary public benefit and no endorsement by the Planning Analysis conducted by the Planning Department.

The applicant has requested that his item be continued to the meeting on December 8, 2004. The Administration concurs with that request.

Advisory Board Recommendation:

N/A



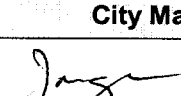
Financial Information:

Source of Funds:		Amount	Account	Approved
 Finance Dept.	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Robert T. Halfhill

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM R7B
DATE 11-10-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING TO HEAR PUBLIC COMMENT ON SAME, APPROVING AND AUTHORIZING THE VACATION OF A PORTION (THE NORTHERN HALF) OF THE WEST 59TH STREET STREET-END, WEST OF NORTH BAY ROAD, IN FAVOR OF WILLIAM THOMAS HARRIS III AND RICHARD KOENIGSBERG, AS TRUSTEES FOR THE "TOM HARRIS TRUST", AS OWNER OF THE ADJACENT PROPERTY LOCATED AT 5900 NORTH BAY ROAD; RETAINING UTILITY EASEMENT RIGHTS WITHIN SAID VACATED PORTION OF THE STREET-END; WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS, PURSUANT TO ARTICLE II, SECTION 82-36 THROUGH 82-40 OF THE MIAMI BEACH CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE THE VACATION, INCLUDING A QUITCLAIM DEED, SUBJECT TO FINAL REVIEW AND APPROVAL OF SAME BY THE CITY ATTORNEY'S OFFICE.**

ADMINISTRATION RECOMMENDATION:

The Administration recommends denial of the request to vacate due to the failure to satisfy four of the seven evaluation criteria elements for a revocable permit, no extraordinary public benefit and the negative opinions in the Planning Analysis conducted by the Planning Department.

The applicant has requested that his item be continued to the meeting on December 8, 2004. The Administration concurs with that request.

BACKGROUND:

City right-of-ways have been vacated previously by criteria established by the City in 1989 and City Code, Chapter 82, Article II, Section 82-37. When the LaGorce-Golf Subdivision was platted in 1925, a portion of West 56th Street and West 59th Street, at the extreme ends adjacent to the bay, were retained as private land and sold to one of the adjacent property owners (see attached sketch "A"). A thirty (30) feet deep portion of West 59th Street street-end is now owned by Roger Schindler and wife Leslie, owners of the property located at 5860 North Bay Road.

Mr. Roger Schindler was granted a revocable permit on December 24, 1991 for the installation of a wrought iron gate and fence enclosing the remainder of West 59th Street street-end, west of North Bay Road.

In 2001, when a construction permit was sought for the reconstruction of the existing wall and gates, an amendment to the revocable permit was requested. On December 19, 2001 an amendment to the revocable permit was denied by the City Commission because of the ownership questions. The issue was referred to the Land Use and Development Committee.

The City Commission, upon the recommendation of the Land Use and Development Committee, directed the Administration to consider the sale of the street-ends on West 56th and West 59th Streets to the adjacent property owners, while maintaining all the necessary utility easements.

Mr. Thomas Harris and Mr. Roger Schindler, the property owners adjacent to the West 59th Street street-end, responded affirmatively to this vacation offer and met the requirements as set forth in the July 26, 1989 Land Use Committee guidelines and City Code Chapter 82, Article II Sec. 82-37 for street vacation application requirements. The review of these requests by the Commission was delayed due to questions regarding the City's procedures for vacating, selling or otherwise disposing of City owned property. The Finance and Citywide Projects Committee on June 9, 2004 recommended each applicant be evaluated on a case by case basis.

On July 7, 2004 the City Commission adopted Resolution Nos. 2004-25621 and 2004-25622 setting a public hearing for September 8, 2004 to consider the vacation of 59th Street. At the same meeting the City Commission referred the issue of vacating City property to the Finance and Citywide Projects Committee.

The Finance and Citywide Projects Committee met on August 18, 2004 and recommended that all requests for vacating City property must meet the seven criteria for granting of revocable permits and must demonstrate that an extraordinary public benefit will be provided by such vacation.

ANALYSIS:

The application was evaluated using the criteria for a revocable permit and supported by the attached Planning Analysis written by the Planning Department. The Administration's review of the seven criteria elements for revocable permits is provided below:

- 1) That the applicant need is substantial.

Not satisfied. The applicant has not demonstrated that its need for half of the street-end is substantial.

- 2) That the applicant holds title to an abutting property.

Satisfied.

- 3) That the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood plans and laws.

Satisfied. Any improvement would have to be permitted and approved by the City.

- 4) That the grant of such application will have no adverse effect on governmental/utility easements and uses on the property.

Satisfied. The City retains utility easements.

- 5) Alternatively:

- a) That an unnecessary hardship exists that deprives the applicant of a reasonable use of the land, structure or building for which vacation is sought, arising out of special circumstances and conditions that exist and were not self-created and are peculiar to the land, structures or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district and the grant of the application is the minimum that will allow reasonable use of the land, structures or building;

Not satisfied. The applicant has not demonstrated that any hardship exists that deprives him of a reasonable use of the existing street-end.

- b) That the grant of the vacation will enhance the neighborhood and/or community by such amenities as, for example, enhanced landscaping, improved drainage, improved lighting, and improved security.

Not satisfied. The applicant has not demonstrated that the grant of the vacation will enhance the neighborhood. On the contrary the applicant has pursued the vacation to legalize the construction of a wall and gates that would keep the street-end private and deprive the neighbors and the general public of open green space and open bay vistas.

- 6) That granting the vacation requested will not confer on the applicant any special privilege that is denied to other owner of land, structures or buildings subject to similar conditions.

Not satisfied. A similar request at 2900 Prairie Avenue has been denied.

- 7) That granting the vacation will not be injurious to the surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.

Not satisfied. By definition, a public right-of-way is property held by the City as a community resource to be used for public benefit. If the street-end is vacated title will be conveyed to the applicant allowing him to enclose the property with gates, fence, vegetation, etc., therefore taking away open green space and bay views from the general public.

The applicant has not demonstrated that an extraordinary public benefit will be created by vacating the street-end and taking it away for use and enjoyment by the general public.

The Planning Analysis conducted by the Planning Department does not endorse the vacation of the 59th Street street-end.

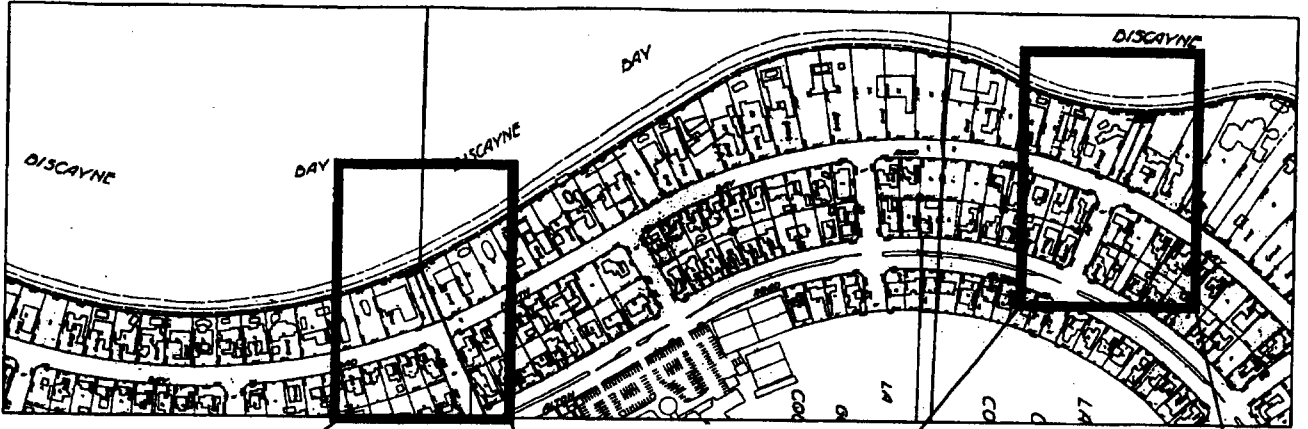
In accordance with Ordinance No. 92-2783, codified into City Code Chapter 82, Article II, Section 82-37, the City has advertised and scheduled the public hearing during the September 8, 2004, Commission meeting.

JMG/RCM/FHB/II

M:\\$CMB\PUBLIC WORKS DEPARTMENT\COMMISSION AGENDA ITEMS\NOVEMBER 10, 2004\59TH STREET HARRIS VACATING PROPERTY\59th Street Harris Memo.doc

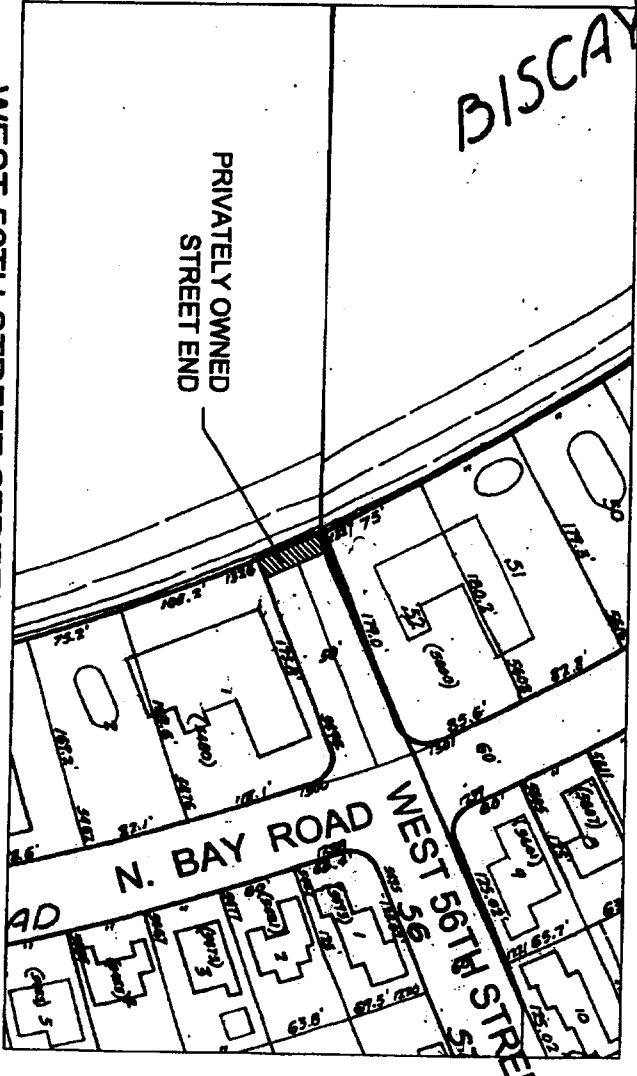
Sketch "A"

AREA MAP

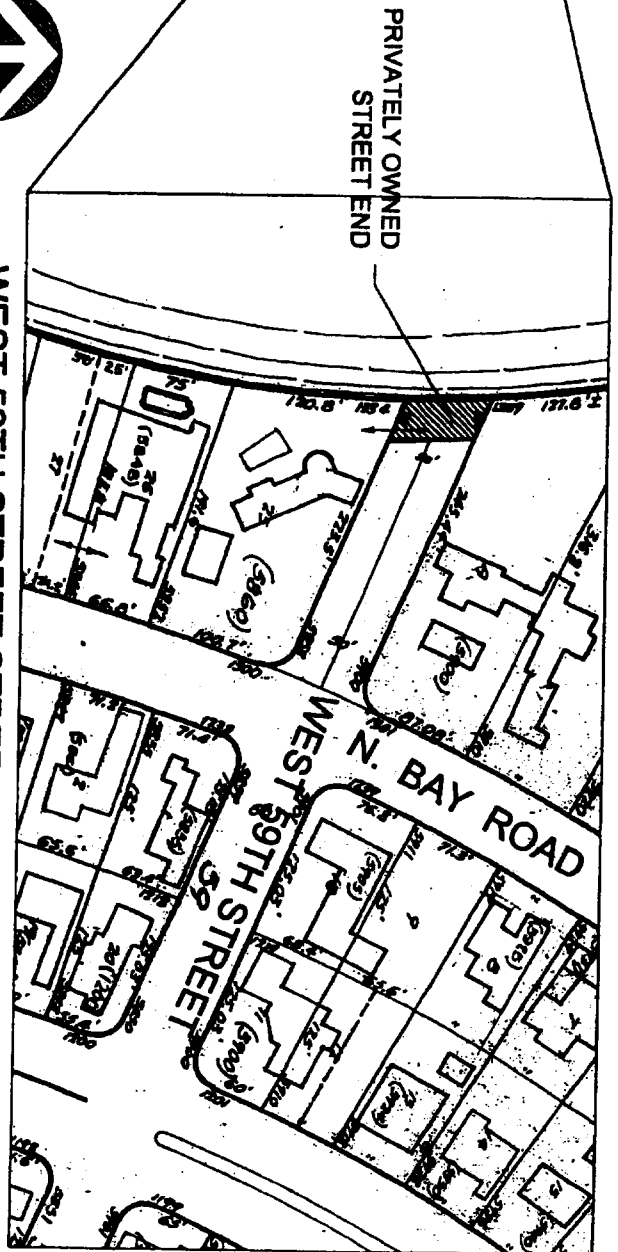


SKETCH SHOWING WEST 64TH STREET & WEST 60TH STREET STREET-ENDING

WEST 56TH STREET STREET-END



WEST 59TH STREET STREET-END



RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING TO HEAR PUBLIC COMMENT ON SAME, APPROVING AND AUTHORIZING THE VACATION OF A PORTION (THE NORTHERN HALF) OF THE WEST 59TH STREET STREET-END, WEST OF NORTH BAY ROAD, IN FAVOR OF WILLIAM THOMAS HARRIS III AND RICHARD KOENIGSBERG, AS TRUSTEES FOR THE "TOM HARRIS TRUST", AS OWNER OF THE ADJACENT RESIDENTIAL PROPERTY, LOCATED AT 5900 NORTH BAY ROAD; RETAINING UTILITY EASEMENT RIGHTS WITHIN SAID VACATED PORTION OF THE STREET-END; WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS, PURSUANT TO ARTICLE II, SECTION 82-36 THROUGH 82-40 OF THE MIAMI BEACH CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE THE VACATION, INCLUDING A QUITCLAIM DEED, SUBJECT TO FINAL REVIEW AND APPROVAL OF SAME BY THE CITY ATTORNEY'S OFFICE.

WHEREAS, when LaGorce-Golf Subdivision was platted in 1925, a portion of the West 59th Street street-end, adjacent to and fronting Biscayne Bay, was retained as private property and continues to be owned by the adjacent residential property owners; and

WHEREAS, pursuant to a request for vacation of the aforestated street-end by the respective adjacent property owners, and due to the aforementioned unique situation whereby the portion of said street-end fronting the water is privately owned, the Mayor and City Commission, on March 20, 2002, upon the recommendation of the Land Use and Development Committee, directed the Administration to consider the vacation of said street-end to the adjacent property owners provided that the City retained rights to all the necessary utility easements; and

WHEREAS, the Tom Harris Trust (Applicant), owns the adjacent residential property at 5900 North Bay Road, and has requested the vacation of an approximately 214 feet long by 25 feet wide section of the northern half portion of the West 59th Street street-end; and

WHEREAS, the City's Public Works Department has received and reviewed the Applicant's request for vacation and hereby certifies that the Applicant has complied with the City's application submittal requirements for such vacation; and

WHEREAS, the City's Planning Department has prepared a planning analysis with respect to the proposed vacation request; the Administration would further recommend that the Mayor and City Commission waive the competitive bidding and appraisal requirements, pursuant to Article II, Section 82-36 through 82-40 of the City Code, finding such waiver to be in the best interest of the City.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, following a duly noticed public hearing to hear public comment on same, that the Mayor and City Commission hereby approve and authorize the vacation of a portion (the northern half) of the West 59th Street street-end, West of North Bay Road, in favor of William Thomas Harris III and Richard Koenigsberg, as Trustees for the "Tom Harris Trust", as owner of the adjacent residential property, located at 5900 North Bay Road; retaining utility easement rights within said vacated portion of the street-end; waiving, by 5/7ths vote, the competitive bidding and appraisal requirements, pursuant to Article II, Section 82-36 through 82-40 of the Miami Beach City Code, finding such waiver to be in the best interest of the City; and authorizing the Mayor and City Clerk to execute any and all documents to effectuate the vacation, including a quitclaim deed, subject to final review and approval of the same by the City Attorney.

PASSED and **ADOPTED** this _____ day of _____, 2004


ATTEST:

MAYOR

CITY CLERK

M:\SCMB\PUBLIC WORKS DEPARTMENT\COMMISSION AGENDA ITEMS\OCTOBER 13, 2004\HARRIS 56th\59th Street Harris Reso1.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

10-6-04
Date

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution approving the vacation of a portion of West 56th Street street-end, west of North Bay Road, in favor of Mary Elizabeth Donnelly, owner of the adjacent property located at 5480 North Bay Road.

Issue:

Shall the City vacate a portion of West 56th Street street-end, west of North Bay Road?

Item Summary/Recommendation:

City right-of-ways have been vacated previously by criteria established by the City in 1989 and City Code, Chapter 82, Article II, Section 82-37. When originally platted, 56th and 59th Street street-ends were unique situations, in that the extreme ends of the streets at the bay are privately owned by the adjacent property owners. The City Commission on March 20, 2002, following the recommendation of the Land Use and Development Committee, directed the sale of the street-ends on West 56th and West 59th Streets to the adjacent property owners. The property owners adjacent to West 56th and 59th Street street-ends have complied with the vacation application requirements by submitting the application fee and providing a list of affected property owners. This application was delayed while the City reviewed the authority and procedure for vacating or disposing of public right-of-ways and property. The Finance and Citywide Projects Committee on June 9, 2004 requested the Administration treat each applicant on a case by case basis. At another meeting on August 18, 2004, the Finance and Citywide Projects Committee recommended that all requests for vacating City property meet the criteria for a revocable permit and prove that there is an extraordinary public benefit to be provided by such vacation. The City Commission adopted that recommendation at the meeting on September 8, 2004.

The Administration recommends denial of the request to vacate property based on the failure to meet four of the seven evaluation criteria for a revocable permit, no extraordinary public benefit and no endorsement by the Planning Analysis conducted by the Planning Department.

The applicant has requested that his item be continued to the meeting on December 8, 2004. The Administration concurs with that request.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 50px; margin: 0 auto;"></div> Finance Dept.	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Robert T. Halfhill

Sign-Offs:

Department Director	Assistant City Manager	City Manager

M:\SCMB\PUBLIC WORKS DEPARTMENT\COMMISSION AGENDA\ITEMS\NOVEMBER 10, 2004\DONNELLY 56TH STREET\56th Street Donnelly Summary2.doc

AGENDA ITEM

R7C

DATE

11-10-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING, APPROVING AND AUTHORIZING THE VACATION OF A PORTION (THE SOUTHERN HALF) OF WEST 56TH STREET STREET-END, WEST OF NORTH BAY ROAD, IN FAVOR OF MARY ELIZABETH DONNELLY, OWNER OF THE ADJACENT PROPERTY LOCATED AT 5480 NORTH BAY ROAD; RETAINING UTILITY EASEMENT RIGHTS WITHIN SAID VACATED PORTION OF THE STREET; WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS, PURSUANT TO ARTICLE II, SECTION 82-36 THROUGH 82-40 OF THE MIAMI BEACH CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE THE VACATION, INCLUDING A QUITCLAIM DEED, SUBJECT TO FINAL REVIEW AND APPROVAL OF SAME BY THE CITY ATTORNEY'S OFFICE.**

ADMINISTRATION RECOMMENDATION:

The Administration recommends denial of the request to vacate due to the failure to satisfy four of the seven evaluation criteria elements for a revocable permit, no extraordinary public benefit and the negative opinions in the Planning Analysis conducted by the Planning Department.

The applicant has requested that his item be continued to the meeting on December 8, 2004. The Administration concurs with that request.

BACKGROUND:

City right-of-ways have been vacated previously by criteria established by the City in 1989 and City Code, Chapter 82, Article II, Section 82-37. When the LaGorce-Golf Subdivision was platted in 1925, a portion of West 56th Street and West 59th Street, at the extreme ends adjacent to the bay, were retained as private land and sold to one of the adjacent property owners (see attached sketch "A"). An approximately fifteen feet deep portion of West 56th Street street-end is now owned by Burton S. and Rose Kahn, owners of the property located at 5600 North Bay Road.

On July 7, 2004 the City Commission adopted Resolution Nos. 2004-25621 and 2004-25622 setting a public hearing for September 8, 2004 to consider the vacation of 59th Street. At this meeting, Mrs. Donnelly requested to be allowed to process her application at the same time as Mr. Schindler's; the Commission approved her request. At the same meeting the City Commission referred the issue of vacating City property to the Finance and Citywide Projects Committee.

The Finance and Citywide Projects Committee met on August 18, 2004 and recommended that all requests for vacating City property must meet the seven criteria for granting of revocable permits and must demonstrate that an extraordinary public benefit will be provided by such vacation.

On September 8, 2004, the City Commission endorsed the Finance and Citywide Projects Committee recommendation.

ANALYSIS

The application was evaluated using the criteria for a revocable permit and supported by the attached Planning Analysis written by the Planning Department. The Administration's review of the seven criteria elements for revocable permits is provided below:

- 1) That the applicant need is substantial.

Not satisfied. The applicant has not demonstrated that her need for half of the street-end is substantial.

- 2) That the applicant holds title to an abutting property

Satisfied.

- 3) That the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood plans and laws.

Satisfied. Any improvement would have to be permitted and approved by the City.

- 4) That the grant of such application will have no adverse effect on governmental/utility easements and uses on the property.

Satisfied. The City retains utility easements.

- 5) Alternatively:

- a) That an unnecessary hardship exists that deprives the applicant of a reasonable use of the land, structure or building for which vacation is sought, arising out of special circumstances and conditions that exist and were not self-created and are peculiar to the land, structures or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district and the grant of the application is the minimum that will allow reasonable use of the land, structures or building;

Not satisfied. The applicant has not demonstrated that any hardship exists that deprives her of a reasonable use of the existing street-end.

- b) That the grant of the vacation will enhance the neighborhood and/or community by such amenities as, for example, enhanced landscaping, improved drainage, improved lighting, and improved security.

Not satisfied. The applicant has not demonstrated that the grant of the vacation will enhance the neighborhood. On the contrary the applicant has pursued the vacation to legalize the construction of a wall and gates that would keep the street-end private and deprive the neighbors and the general public of open green space and open bay vistas.

- 6) That granting the vacation requested will not confer on the applicant any special privilege that is denied to other owner of land, structures or buildings subject to similar conditions.

Not satisfied. A similar request at 2900 Prairie Avenue has been denied.

- 7) That granting the vacation will not be injurious to the surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.

Not satisfied. By definition, a public right-of-way is property held by the City as a community resource to be used for public benefit. If the street-end is vacated title will be conveyed to the applicant allowing her to enclose the property with gates, fence, vegetation, etc., therefore taking away open green space and bay views from the general public.

The applicant has not demonstrated that an extraordinary public benefit will be created by vacating the street-end and taking it away for use and enjoyment by the general public.

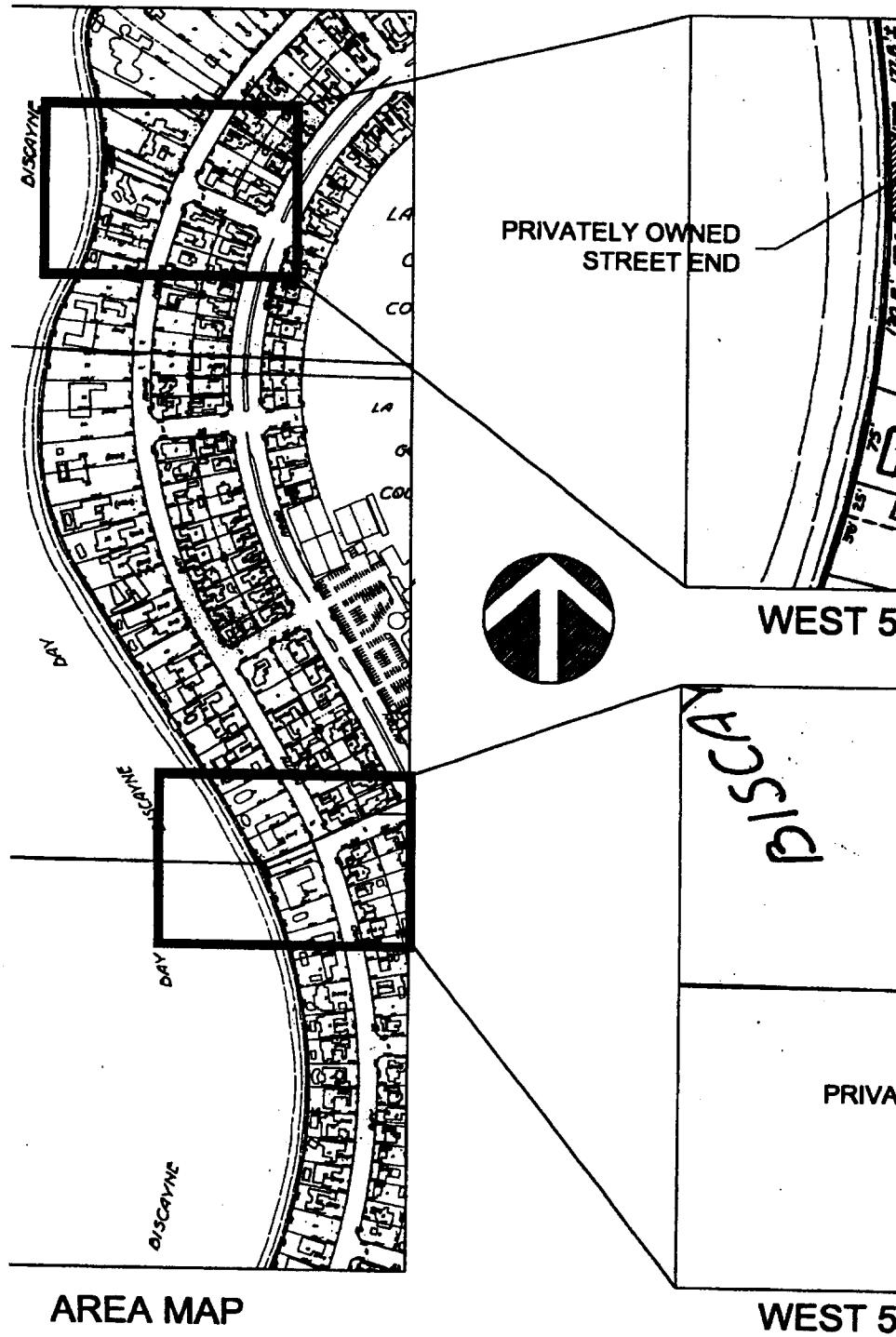
The Planning Analysis conducted by the Planning Department does not endorse the vacation of the 59th Street street-end.

In accordance with Ordinance No. 92-2783, codified into City Code Chapter 82, Article II, Section 82-37, the City has advertised and scheduled the public hearing during the September 8, 2004, Commission meeting.

JMG/RCM/FHB/II

M:\SCMB\PUBLIC WORKS DEPARTMENT\COMMISSION AGENDA ITEMS\November 10, 2004\DONNLEY 56TH STREET\56th St. Donnelly Vacating Memo3.doc

Sketch "A"



SKETCH SHOWING WEST 56TH STREET

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING TO HEAR PUBLIC COMMENT ON SAME, APPROVING AND AUTHORIZING THE VACATION OF A PORTION (THE SOUTHERN HALF) OF THE WEST 56TH STREET STREET-END, WEST OF NORTH BAY ROAD, IN FAVOR OF MARY ELIZABETH DONNELLY, OWNER OF THE ADJACENT RESIDENTIAL PROPERTY, LOCATED AT 5480 NORTH BAY ROAD; RETAINING UTILITY EASEMENT RIGHTS WITHIN SAID VACATED PORTION OF THE STREET-END; WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS, PURSUANT TO ARTICLE II, SECTION 82-36 THROUGH 82-40 OF THE MIAMI BEACH CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE THE VACATION, INCLUDING A QUITCLAIM DEED, SUBJECT TO FINAL REVIEW AND APPROVAL OF SAME BY THE CITY ATTORNEY'S OFFICE.

WHEREAS, when LaGorce-Golf Subdivision was platted in 1925, a portion of the West 56th Street street-end adjacent to and fronting Biscayne Bay, was retained as private property and continues to be owned by the adjacent residential property owner located at 5480 North Bay Road; and

WHEREAS, pursuant to a request for vacation of a portion of the aforesaid street-end by the respective adjacent property owner, and due to the aforementioned unique situation whereby the portion of said street-end fronting the water is privately owned, the Mayor and City Commission, on March 20, 2002, upon the recommendation of the Land Use and Development Committee, directed the Administration to consider the vacation of said street-end to the adjacent property owner, provided the City retained rights to all the necessary utility easements; and

WHEREAS, Mrs. Mary Elizabeth Donnelly (Applicant), owns the adjacent residential property at 5480 North Bay Road, and has requested the vacation of an approximately 163 feet long by 25 feet wide section of the southern half of the West 56th Street street-end; and

WHEREAS, the City's Public Works Department has received and reviewed the Applicant's request for vacation and hereby certifies that the Applicant has complied with the City's application submittal requirements for such vacation; and

WHEREAS, the City's Planning Department has prepared a planning analysis with respect to the proposed vacation request; the Administration would further recommend that the Mayor and City Commission waive the competitive bidding and appraisal requirements, pursuant to Article II, Section 82-36 through 82-40 of the City Code, finding such waiver to be in the best interest of the City.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, following a duly noticed public hearing to hear public comment on same, that the Mayor and City Commission hereby approve and authorize the vacation of a portion (the southern half) of the West 56th Street street-end, West of North Bay Road, in favor of Mary Elizabeth Donnelly, owner of the adjacent residential property, located at 5480 North Bay Road; retaining utility easement rights within said vacated portion of the street-end; waiving, by 5/7ths vote, the competitive bidding and appraisal requirements, pursuant to Article II, Section 82-36 through 82-40 of the Miami Beach City Code, finding such waiver to be in the best interest of the City; and authorizing the Mayor and City Clerk to execute any and all documents to effectuate the vacation, including a quitclaim deed, subject to final review and approval of the same by the City Attorney.

PASSED and ADOPTED this _____ day of _____, 2004


ATTEST:

CITY CLERK

MAYOR

M:\\$CMB\PUBLIC WORKS DEPARTMENT\COMMISSION AGENDA ITEMS\OCTOBER 13, 2004\DONNLEY 56TH STREET\56thStreetDonnellyReso1.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

10-6-04
Date

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution to conduct an after-the-fact Revocable Permit request to retain a portion of a masonry wall constructed in City Right-of-Way at 320 South Coconut Lane.

Issue:

Shall an after-the-fact Revocable Permit be approved for 320 South Coconut Lane?

Item Summary/Recommendation:

Pursuant to City Code, Chapter 82, Article III, Division 2, upon receipt of a Revocable Permit application, the City Commission shall schedule a public hearing to consider the request for use of the public right-of-way.

Mr. Doron Valero, owner of the property located at 320 South Coconut Lane, is constructing a house on this property and has requested an after-the-fact revocable permit from the City to retain a masonry wall partially constructed within the public right-of-way.

The owner and the contractor were notified on three occasions and cited on two of those occasions by the City Surveyor and Building Inspector after the wall foundation was poured inside the City right-of-way. Neither the owner nor the contractor responded to the citations, but proceeded with building the wall.

The revocable permit is requested to accommodate the construction of a driveway gate. The 66 square feet of City right-of-way would facilitate the operation of the single panel gate; however, there are several viable alternatives to the gate construction that would not require use of City right-of-way.

The Administration recommends denial of the revocable permit request.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
<div><div></div><div>Finance Dept.</div></div>	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Robert Halfhill, Public Works 6833

Sign-Offs:

Department Director	Assistant City Manager	City Manager

M:\\$CMB\PUBLIC WORKS DEPARTMENT\COMMISSION AGENDA ITEMS\NOVEMBER 10, 2004\COCONUT LANE VACATION PUBLIC HEARING\320SouthCoconutLaneSummary.doc

AGENDA ITEM R7D
DATE 11-10-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING TO HEAR PUBLIC COMMENT ON SAME, AND HAVING CONSIDERED THE CITY ADMINISTRATION'S RECOMMENDATION AND THE CRITERIA FOR GRANTING REVOCABLE PERMITS PURSUANT TO SECTION 82-94 OF THE MIAMI BEACH CITY CODE, DENYING AN AFTER-THE-FACT REVOCABLE PERMIT IN FAVOR OF THE APPLICANT, DORON VALERO, FOR RETAINING A MASONRY WALL CONSTRUCTED IN THE CITY RIGHT-OF-WAY, ENCLOSING APPROXIMATELY 66 SQ. FT., ADJACENT TO HIS PROPERTY LOCATED AT 320 SOUTH COCONUT LANE.**

ADMINISTRATION RECOMMENDATION

The Administration recommends denial of Revocable Permit due to the failure to satisfy three of the seven evaluation criteria elements for a Revocable Permit.

BACKGROUND

Pursuant to City Code, Chapter 82, Article III, Division 2, upon receipt of a completed Revocable Permit application, the City Commission scheduled a public hearing to consider the request for use of the public right-of-way.

Mr. Doron Valero, owner of the property located at 320 South Coconut Lane is constructing a house on this property is requesting an after-the-fact Revocable Permit from the City to retain a masonry wall constructed within the return radius portion of the public right-of-way (Attachment A).

The City Surveyor notified the contractor, after the wall foundation was poured, that it was built inside the City right-of-way. A building inspector provided the same notification and building permit violations were issued on July 23, 2004 and August 16, 2004. Mr. Valero, nor his contractor have responded to the violations and the construction of the wall continued despite these warnings and citations (Attachment B).

ANALYSIS

Mr. Valero purchased the property at 320 South Coconut Lane in 2002 for \$1.06 million. Attachment C shows that the property land value is currently assessed at \$1.17 million. The area land value of the property is approximately \$132 per square foot. The area of encroachment is approximately 66 square feet which, if the Revocable Permit is approved, would be charged at 90 ¢ per square foot resulting in an annual permit fee of \$59.40.

Mr. Valero claims that the wall must be constructed in the City right-of-way to enable the driveway single panel gate, designed by his architect, to operate correctly; however, there are several engineering options available that could be applied to this situation that will allow the driveway gate to function without the acquisition of additional property (Attachment D). These options include:

- A two panel, staggered, or inclined, hinged gate would provide for a rise in the gate as it opens.
- A sliding panel gate operating on a circular track.
- A sliding telescoping gate on tracks.

The application is being evaluated using the criteria for a Revocable Permit listed below.

(1) That the applicants need is substantial.

Not Satisfied. There is no evidence of substantial need. Several alternatives that would resolve the gate situation without acquisition of City property through Revocable Permit or vacation.

(2) That the applicant holds title to an abutting property.

Satisfied.

(3) That the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood plans and laws.

Not Satisfied. The construction process itself meets applicable codes and ordinances; however, the wall was constructed on City right-of-way despite repeated City notification / warnings prior to construction of the wall.

(4) That the grant of such application will have no adverse effect on governmental/utility easements and uses on the property.

Satisfied.

(5) Alternatively:

- a) That an unnecessary hardship exists that deprives the applicant of a reasonable use of the land, structure or building for which vacation or Revocable Permit is sought, arising out of special circumstances and conditions that exist and were

not self-created and are peculiar to the land, structures or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district and the grant of the application is the minimum that will allow reasonable use of the land, structures or building; or

Not Satisfied. The applicant built the wall on City right-of-way to meet the construction requirements of a gate claiming the gate would not be feasible with the wall built to the property line. Neither the owner, nor the contractor responded to three notifications by the City that the wall was built on City right-of-way. This situation was entirely avoidable.

- b) That the grant of the vacation will enhance the neighborhood and/or community by such amenities as, for example, enhanced landscaping, improved drainage, improved lighting, and improved security.

Not Satisfied. There are no plans for improving or enhancing the right-of-way besides the construction of the privacy wall.

- (6) That granting the permit requested will not confer on the applicant any special privilege that is denied to other owner of land, structures or buildings subject to similar conditions.

Satisfied. Other property owners have applied for and have been approved for Revocable Permits, vacating, or purchasing right-of-way. However, construction was not started until the approval was obtained from the City.

- (7) That granting the vacation will not be injurious to the surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.

Satisfied.

CONCLUSION

The Administration recommends denial of the Revocable Permit because:

1. Mr. Valero and his contractor were notified that the wall was being built in the City right-of-way; nevertheless, the wall was built disregarding City warnings and citations.
2. Three of the Revocable Permit criteria are not met.
3. There are other engineering and building alternatives to the construction the driveway access gate.

Attachments

JMG/RCM/FHB/II

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING TO HEAR PUBLIC COMMENT ON SAME, AND HAVING CONSIDERED THE CITY ADMINISTRATION'S RECOMMENDATION AND THE CRITERIA FOR GRANTING REVOCABLE PERMITS PURSUANT TO SECTION 82-94 OF THE MIAMI BEACH CITY CODE, DENYING AN AFTER-THE-FACT REVOCABLE PERMIT IN FAVOR OF THE APPLICANT, DORON VALERO, FOR RETAINING A MASONRY WALL CONSTRUCTED IN THE CITY RIGHT-OF-WAY, ENCLOSING APPROXIMATELY 66 SQ. FT., ADJACENT TO HIS PROPERTY LOCATED AT 320 SOUTH COCONUT LANE.

WHEREAS, Doron Valero (Applicant) owns the residential property located at 320 South Coconut Lane, on Palm Island (Property); and

WHEREAS, the Applicant applied and obtained a building permit to construct a new residence on the Property; and

WHEREAS, the Applicant alleges that, due to his surveyor's omission of a platted radius at the northeast corner of the Property, a masonry wall beyond this return radius portion was constructed within a portion of the adjacent public right-of-way, according to the building plans to accommodate the sliding gate in the wall; and

WHEREAS, the encroachment was discovered during an administrative survey of properties on Palm Island and the Applicant was informed of this, and cited on two occasions; and

WHEREAS, to retain the masonry wall as constructed, the Applicant has submitted an application for an after-the-fact Revocable Permit, as required by the City Code, for the use of approximately 66 sq. ft. of the aforementioned public right-of-way; and

WHEREAS, the Administration has reviewed the application and herein recommends that the Mayor and City Commission deny the Revocable Permit, based in part, on the Applicants' failure to demonstrate a substantial need or that an unnecessary hardship exists as set forth in Section 82-94 of the Miami Beach City Code; and

WHEREAS, pursuant to Chapter 82, Article III, Division 2, Section 82-93 of the City Code, the Mayor and City Commission held a duly noticed public hearing on November 10, 2004, to consider the aforesated request for a Revocable Permit.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, following a duly noticed public hearing to hear public comment on same, and having considered the City Administration's recommendation and the criteria for granting Revocable Permits pursuant to Section 82-94 of the Miami Beach City Code, denying an after-the-fact revocable permit in favor of the Applicant, Doron Valero, for retaining a masonry wall constructed in the city right-of-way enclosing approximately 66 sq. ft., adjacent to his property located at 320 South Coconut Lane.

PASSED and ADOPTED this _____ day of _____, 2004

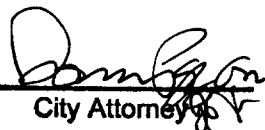
ATTEST:

MAYOR

CITY CLERK

M:\\$CMB\PUBLIC WORKS DEPARTMENT\COMMISSION AGENDA ITEMS\NOVEMBER 10, 2004\COCONUT LANE VACATION PUBLIC HEARING\320SouthCoconutLaneReso.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

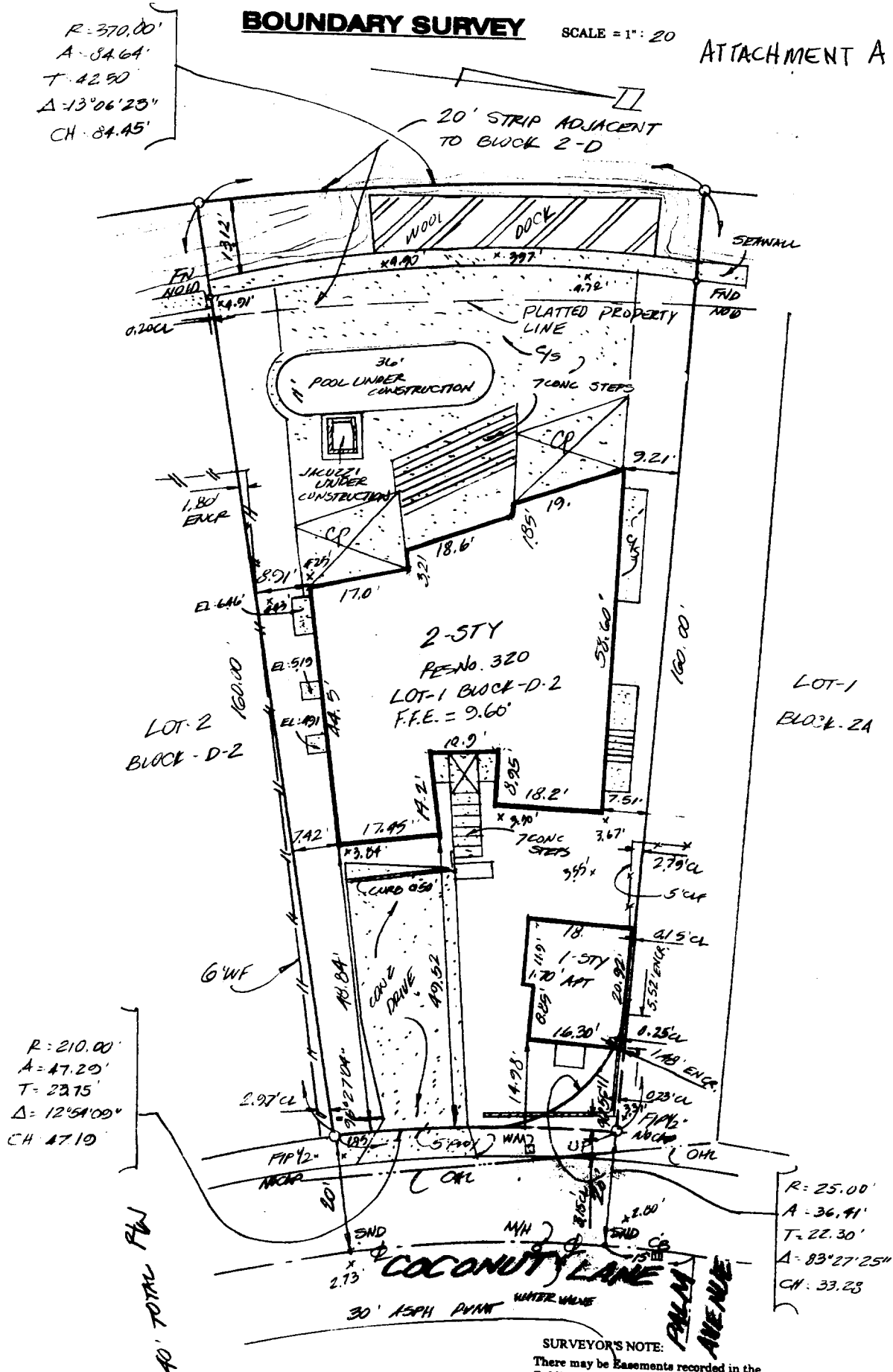


City Attorney

11/5/04
Date

SCALE = 1" : 20

ATTACHMENT A



SURVEYOR'S NOTE: There may be Easements recorded in the Public Records not shown on this Survey

Nova Surveyors Inc.

LAND SURVEYORS

SURVEY No. 1-0012717

SHEET NO. 1 OF 2

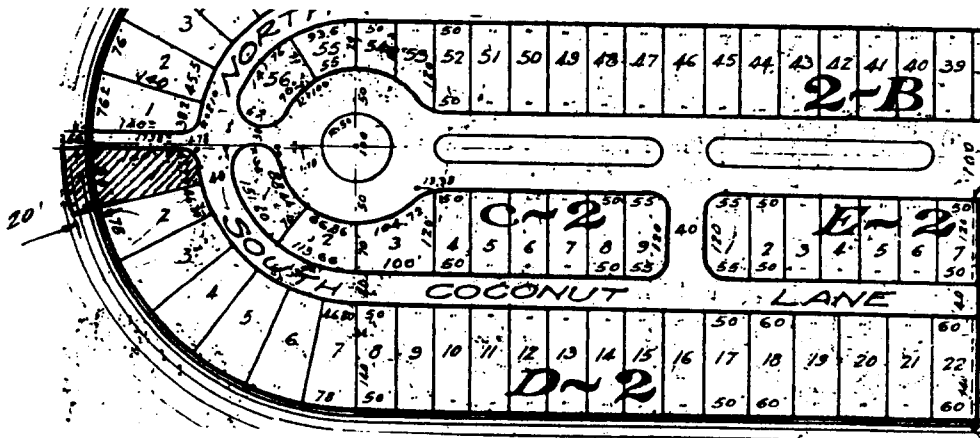
Survey of Lot: 1 AND 20 FEET ADJACENT TO BLOCK 2 D
Subdivision: RIVIERA 1ST & 2ND ADDITION AMENDED
According to the Plat thereof as recorded in the Plat Book No. 32
at Page No. 37 of the public records of MIAMI-DADE County, Florida.

Property Address: 320 S COCONUT LANE, MIAMI BEACH, FL 33139
For: DORON VALERO

Date: 11/26/2001

LOCATION SKETCH

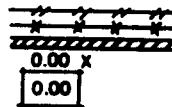
Scale 1" = 125'



ABBREVIATIONS AND MEANING

A = ARC.	F.N.D. = FOUND NAIL & DISK	P.R.C. = POINT OF REVERSE
A.C. = AIR CONDITIONER PAD.	FR. = FRAME	CURVE
A/R. = ALUMINUM ROOF.	FNIP. = FEDERAL NATIONAL	CORNER
A/S. = ALUMINUM SHED.	INSURANCE PROGRAM	
ASPH. = ASPHALT.	F.N. = FOUND NAIL	P.B. = PLAT BOOK
B.C. = BLOCK CORNER	H. = HIGH (HEIGHT)	P.G. = PAGE
BLDG. = BUILDING	IN. & EG. = INGRESS AND EGRESS	P.W. = PARKWAY
B.M. = BENCH MARK	EASEMENT	PRM. = PERMANENT REFERENCE
B.O.B. = BASIS OF BEARINGS.	L.P. = LIGHT POLE	MONUMENT
C. = CALCULATED	L.F.E. = LOWEST FLOOR	P.L.S. = PROFESSIONAL LAND
C.B. = CATCH BASIN	ELEVATION	SURVEYOR
C.B.S. = CONCRETE BLOCK	L.M.E. = LAKE MAINTENANCE	
STRUCTURE	EASEMENT	R. = RECORDED DISTANCE.
CBW = CONCRETE BLOCK WALL.	' = MINUTES.	RR. = RAILROAD.
CH. = CHORD DISTANCE	M. = MEASURED DISTANCE	RES. = RESIDENCE.
CH.B. = CHORD BEARING	MON. = MONUMENT	R.W. = RIGHT-OF-WAY
CL. = CLEAR	M.H. = MANHOLE	RAD. = RADIUS OR RADIAL
C.L.F. = CHAIN LINK FENCE.	ML. = MONUMENT LINE.	R.P. = RADIUS POINT.
C.M.E. = CANAL MAINTENANCE	N.A.P. = NOT A PART OF	RGE. = RANGE.
EASEMENT	NGVD = NATIONAL GEODETIC	SEC. = SECTION
CONC. = CONCRETE	VERTICAL DATUM	STY. = STORY.
C.P. = CONC. PORCH.	N. = NORTH	SWK. = SIDEWALK.
C.S. = CONCRETE SLAB	N.T.S. = NOT TO SCALE.	S.I.P. = SET IRON PIPE L.B. #6044
D.E. = DRAINAGE EASEMENT	* NO. = NUMBER	S. = SOUTH.
D.M.E. = DRAINAGE MAINTENANCE	O/S. = OFFSET.	S.N.D. = SET NAIL & DISK L.B. #6044
EASEMENT	OH. = OVERHEAD.	SP. = SCREENED PORCH.
DRIVE. = DRIVEWAY.	O.H.L. = OVERHEAD UTILITY LINES	" = SECONDS.
o = DEGREES.	OVH. = OVERHANG	T. = TANGENT.
E. = EAST	O.R.B. = OFFICIAL RECORD BOOK.	TWP. = TOWNSHIP.
E.T.P. = ELECTRIC TRANSFORMER	P.V.M.T. = PAVEMENT	U.E. = UTILITY EASEMENT.
PAD.	PL. = PLANTER	UTIL. = UTILITY.
ELEV. = ELEVATION	P/L. = PROPERTY LINE	U.P. = UTILITY POLE.
ENCR. = ENCROACHMENT	P.C.C. = POINT OF COMPOUND	W.M. = WATER METER.
F.H. = FIRE HYDRANT	CURVE	W.F. = WOOD FENCE.
F.I.P. = FOUND IRON PIPE	P.C. = POINT OF CURVE	W.S. = WOOD SHED.
F.I.R. = FOUND IRON ROD.	PT. = POINT OF TANGENCY.	A. = CENTRAL ANGLE.
F.F.E. = FINISHED FLOOR	POC. = POINT OF COMMENCEMENT	W. = WEST.
ELEVATION	POB. = POINT OF BEGINNING.	

LEGEND TYPICAL



WOOD FENCE.
CHAIN LINK FENCE.
C.B.S. WALL (C.B.W.)
EXISTING ELEVATIONS.
PROPOSED ELEVATIONS.

SURVEYOR'S NOTES: 1) IF SHOWN, BEARINGS ARE REFERRED TO AN ASSUMED MERIDIAN, BY SAID PLAT IN THE DESCRIPTION OF THE PROPERTY. IF NOT, THEN BEARINGS ARE REFERRED TO COUNTY TOWNSHIP MAPS.

2) IF SHOWN, ELEVATIONS ARE REFERRED TO CITY OF MIAMI BEACH
B.M. # H10-01 ELEV. 5.67
OF N.G.V.D. OF 1929

3) THIS IS A SPECIFIC PURPOSE SURVEY.

4) THE CLOSURE IN THE BOUNDARY SURVEY IS ABOVE 1:7500 FT.
I HEREBY CERTIFY: THAT THIS "BOUNDARY SURVEY" OF THE PROPERTY DESCRIBED HEREON, AS RECENTLY SURVEYED AND DRAWN UNDER MY SUPERVISION, COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472.027, FLORIDA STATUTES.

BY: John Ibarra 11-27-01
PROFESSIONAL LAND SURVEYOR NO. 5204
STATE OF FLORIDA (VALID COPIES OF THIS SURVEY WILL BEAR THE EMBOSSED SEAL OF THE ATTESTING LAND SURVEYOR)

LEGAL NOTES TO ACCOMPANY SKETCH OF SURVEY (SURVEY):
EXAMINATION OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THE PROPERTY. THIS SURVEY IS SUBJECT TO DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR EASEMENTS OF RECORD. LEGAL DESCRIPTIONS PROVIDED BY CLIENT OR ATTESTING TITLE COMPANY.
BOUNDARY SURVEY MEANS A DRAWING AND/OR A GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD, COULD BE DRAWN AT A SHOWN SCALE AND/OR NOT TO SCALE.
EASEMENTS AS SHOWN ARE PER PLAT BOOK, UNLESS OTHERWISE SHOWN.
THE TERM "ENCROACHMENT" MEANS VISIBLE AND ABOVE GROUND ENCROACHMENTS.
ARCHITECTS SHALL VERIFY ZONING REGULATIONS, RESTRICTIONS AND SETBACKS AND THEY WILL BE RESPONSIBLE OF SUBMITTING PLAT PLANS WITH THE CORRECT INFORMATION FOR THEIR APPROVAL FOR AUTHORIZATION TO AUTHORITIES IN A NEW CONSTRUCTION, UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTINGS AND/OR FOUNDATIONS.
FENCE OWNERSHIP NOT DETERMINED.
THIS PLAN OF SURVEY, HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON, THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTY.
THE FNIP FLOOD MAPS HAVE DESIGNATED THE HEREIN DESCRIBED LAND TO BE

REVISED ON 3-4-02 SKETCH

REVISED ON 3-29-02 UP-DATED & ELEV

REVISED ON 11-24-03 FOUNDATION SURVEY

REVISED ON 05-17-04 UP-DATE SURVEY

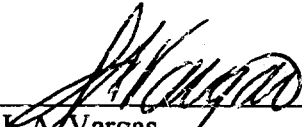
Situated in Zone: AE Community/Panel/Suffix: 120651-0191J
Date of Firm: 07/17/1995 Base Flood Elevation: 9FT
Certified to: LDORON VALERO



October 21, 2004

To Whom It May Concern:

A few months ago, we were doing some utility location work in the west end of Palm Island when we noticed what seemed to be a wall under construction on City-owned property. At the time, a concrete footer was being partially completed. We called this to the attention of the person who at the time seemed to be in charge of the construction and advised him that the footer was within the street right-of-way. He showed us a survey of the property (Lot 1, Block D-2, AMENDED RIVIERA, P.B. 32, P.37, M.D.C.R.) done by Nova Surveyors Inc. I personally and verbally advised him that the survey was incorrect because it didn't reflect a 25-foot radius in the northeasterly property corner as indicated in the record plat. Back in the office, I brought this matter to the attention of Mike Alvarez, Assistant Public Works Director, who took immediate action and contacted the Code Enforcement Department. Nova Surveyors Inc. admitted to the error, but even though the mistake was cited early on (when just the footer had been partially completed) the wall was erected in the street right-of-way.



J. A. Vargas
City Surveyor
Florida Reg. No. 2916

Type: BVIO Vers: 2002 Building Violation Sub-Type: STRUCT (Project) x

Case#	BV04000939	Address	320 S COCONUT LA MBCH	Back View Exit
Status	OPEN	APPLICANT	RESIDENTIAL SERVICES UNLIMITED	
Date	07/23/2004			

Back Stop

Screen	Desc	People	Loc	Fees	L/H/N	VIOS	OK Appt	Insp	Images	Events	Relate	Doc

Description for BV04000939 x

Description:

CONTRACTOR BUILT A FENCE AT 320 S COCONUT LANE W/O PERMITS AND IT WAS BUILT ON NEIGHBORS PROPERTY

Update

Reset

Back

Exit

ToolBar Order

Type: BVIO Vers: 2002 Bldg Violation Sub-Type: STRUCT (Project)

Case#: BV04001040 Address: 320 S COCONUT LA MBCH

Status: OPEN APPLICANT: DORON VALERO

Date: 08/16/2004

Back View Exit

Back Stop

Screen Desc People Loc Fees L/H/N VIOS OK Appr Insp Images Events Relate Doc

VIOS

Description for BV04001040

Description:

Chain link gate and masonry fence at "NE" side of property encroaching the CITY property

Update

Reset

Back

Exit

ToolBar Order

Screen People

My Home

miamidade.gov

ACTIVE TOOL: SELECT



MIAMIC

Show Me:

Property Information

Search By:

Select Item

Text only

Color Aerial Photography

Use for Black & White

Summary Details:

Folio No.:	02-4205-002-0500
Property:	020 S COCONUT LN
Mailing Address:	DORON VALERO
	106 W 4 CT MIAMI BEACH FL
	33139-5116

Property Information:

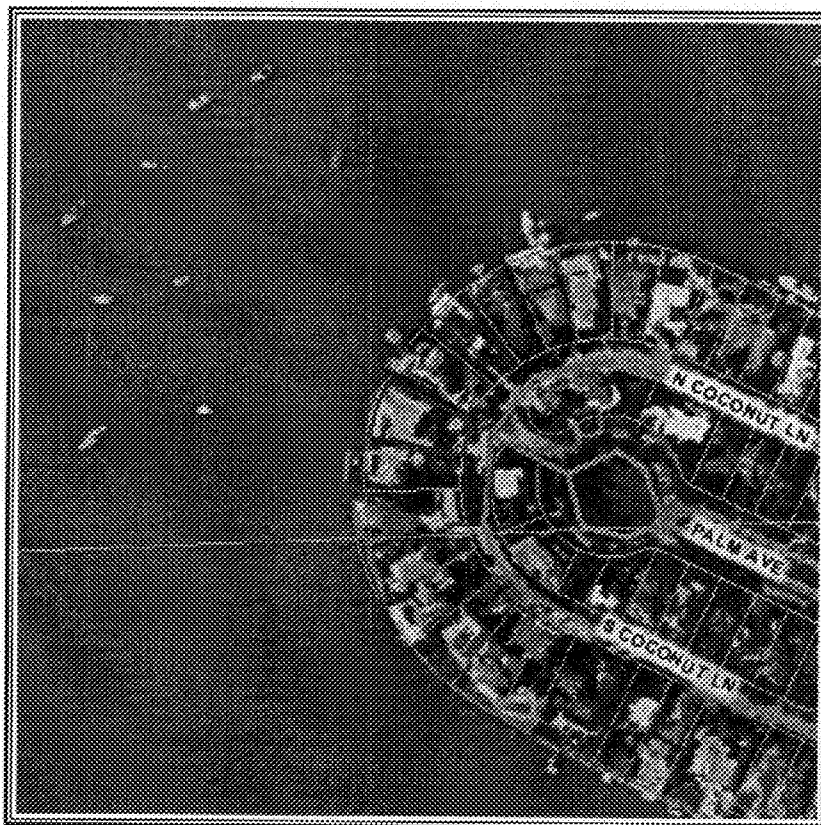
Primary Zone:	0100 SINGLE FAMILY RESIDENCE
CLUC:	0001 RESIDENTIAL- SINGLE FAMILY
Beds/Baths:	0/0
Floors:	1
Living Units:	0
Adj Sq Footage:	252
Lot Size:	8,840 SQ FT
Year Built:	1925
Legal Description:	32 53 42 S 54 42 PB 32-37 RIVIERA 1ST & 2ND ADDN AMD LOT 1 & 20FT STRIP ADJ BLK 2 D LOT SIZE 8840 SQ FT OR 20287-4620 03 2002 1

Sale Information:

Sale O/R:	20297-4520
Sale Date:	3/2002
Sale Amount:	\$1,060,000

Assessment Information:

Year:	2004	2003
Land Value:	\$1,166,880	\$707,200
Building Value:	\$16,493	\$16,065
Market Value:	\$1,183,373	\$723,265
Assessed Value:	\$1,183,373	\$723,265
Total Exemptions:	\$0	\$0
Taxable Value:	\$1,183,373	\$723,265



Aerial Photography - AirPhoto USA 2004

0 114 ft



We appreciate your feedback, please take a minute to complete our survey.

[My Home](#) | [Property Information](#) | [Property Taxes](#)
[My Neighborhood](#) | [Property Appraiser](#)
[Home](#) | [Using Our Site](#) | [About](#) | [Phone Directory](#) | [Privacy](#) | [Disclaimer](#)

If you experience technical difficulties with the Property Information application,
 please click here to let us know.

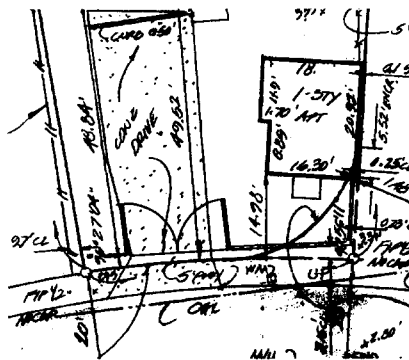
E-mail your comments, questions and suggestions to Webmaster

Web Site
 © 2002 Miami-Dade County
 All rights reserved.

Attachment C

Design/Construction alternatives for the remote controlled front gate are:

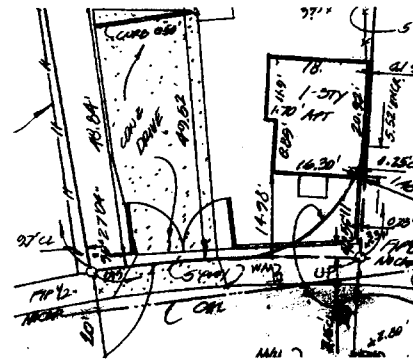
1. Two panel hinged gate with sloped or hinged bottom that conforms to the rising slope of the driveway.
2. Two panel hinged gate with rising hinges as gate opens.
3. Sliding gate on track over a circular track.
4. Sliding telescoping gate on double tracks.



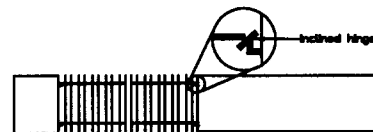
1. 2 panel gate



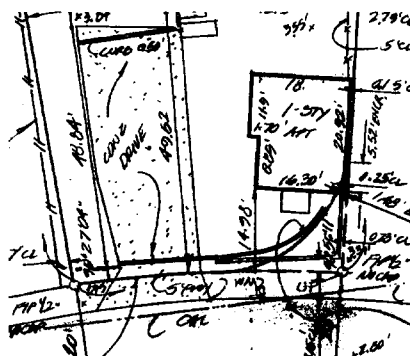
Elevation for #1



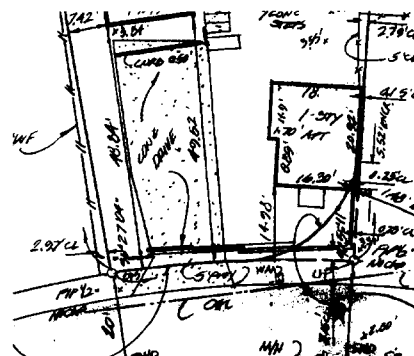
2. 2 panel hinged gate w/rising hinges



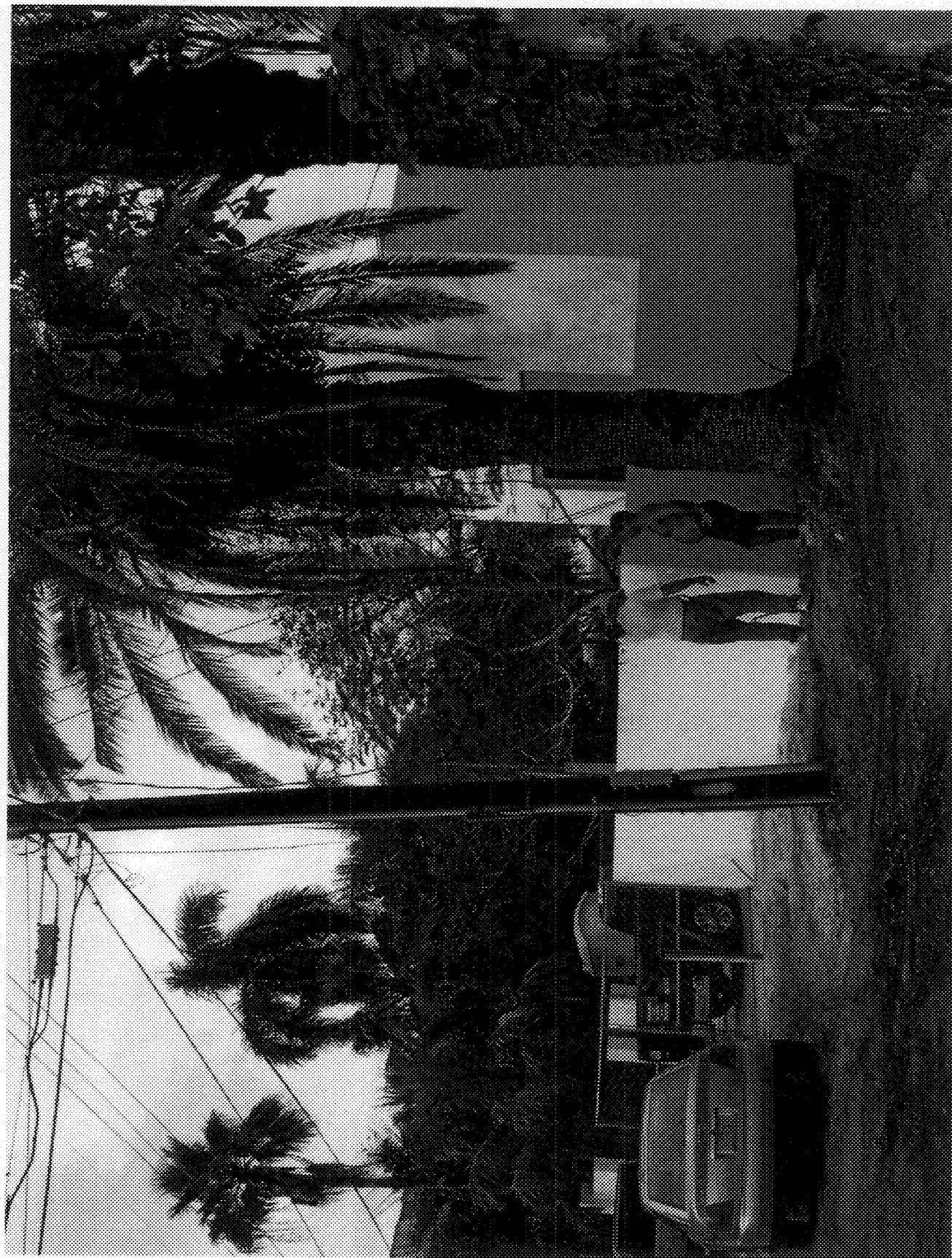
Elevation for #2



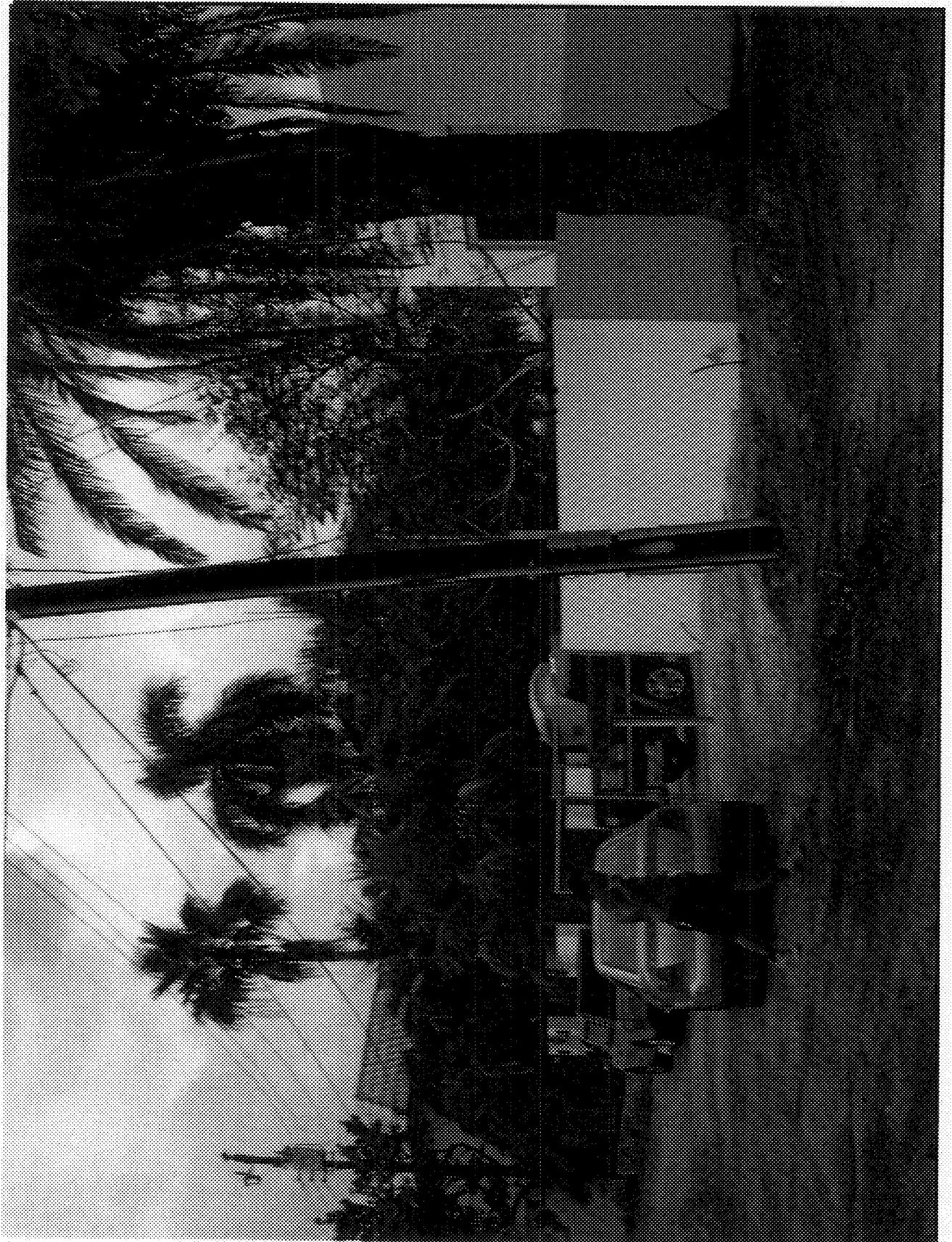
3. Sliding telescoping gate over circular track

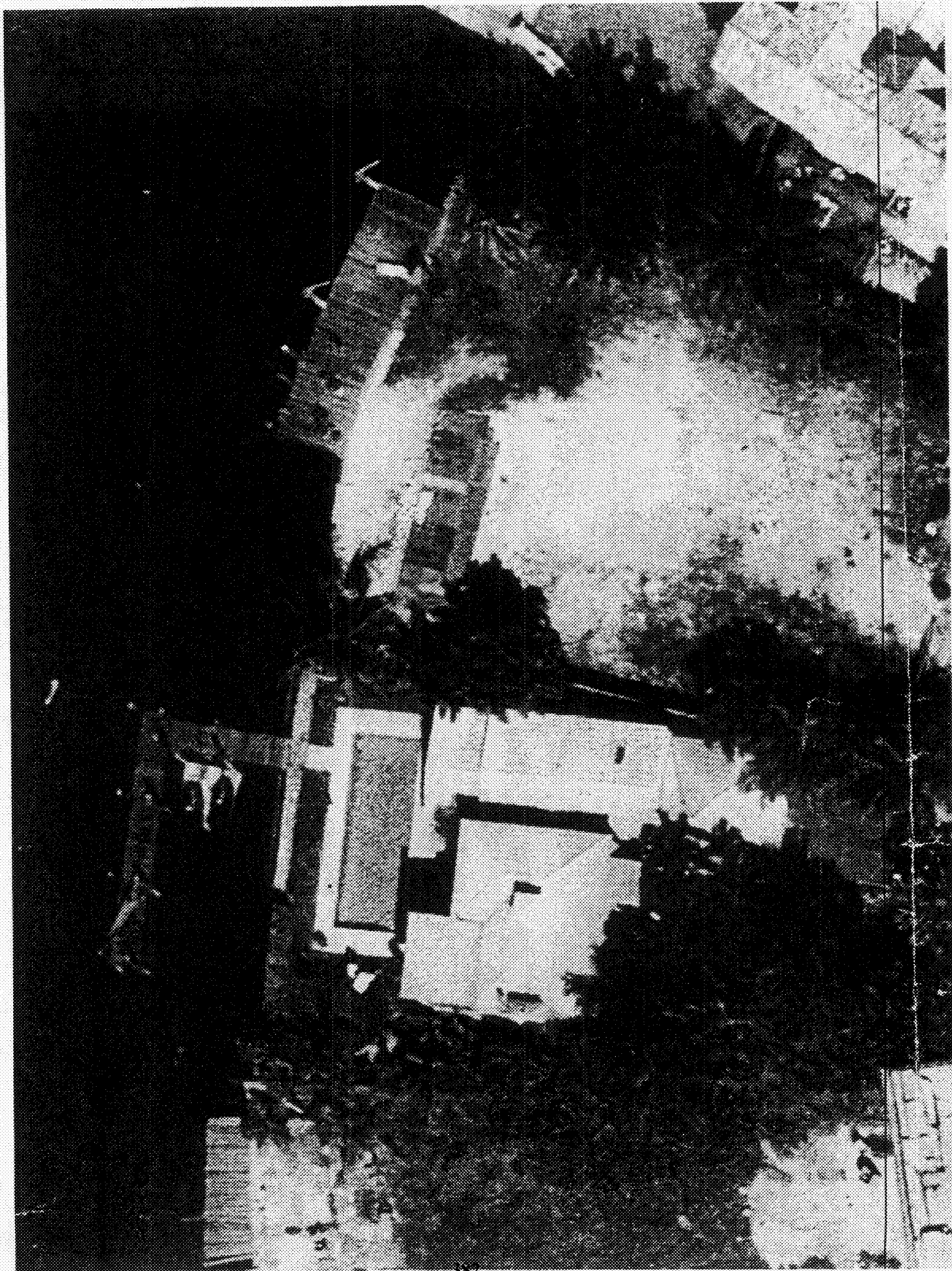


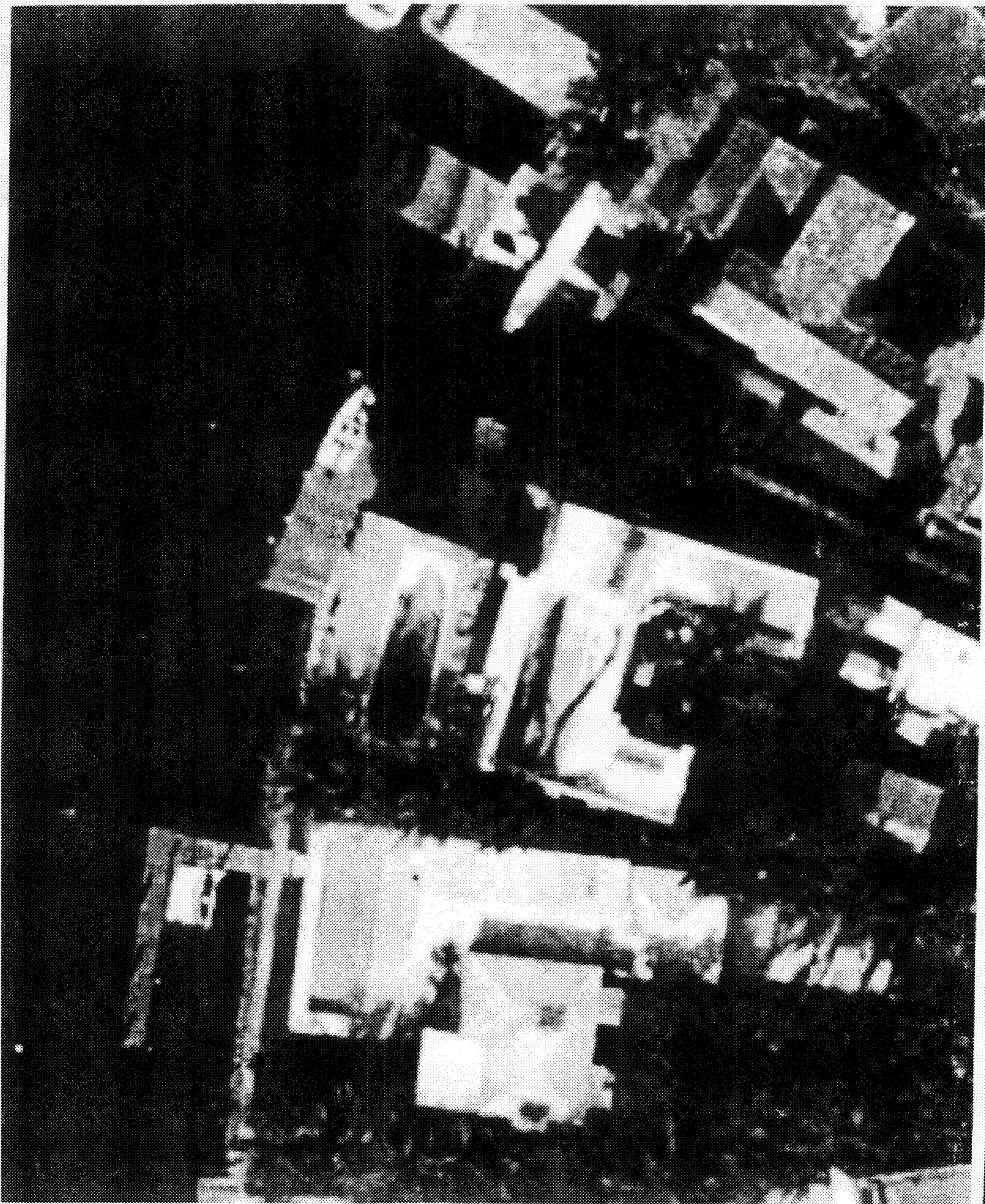
4. Sliding telescoping gate on double tracks











CITY OF MIAMI BEACH NOTICE OF A PUBLIC HEARING



NOTICE IS HEREBY given that a public hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, November 10, 2004, at 10:30 a.m.** TO CONSIDER AN AFTER-THE FACT REVOCABLE PERMIT REQUEST BY DORON VALERO, FOR RETAINING A MASONRY FENCE IN THE CITY RIGHT-OF-WAY ADJACENT TO HIS PROPERTY LOCATED AT 320 SOUTH COCONUT LANE.

Inquiries may be directed to Public Works at (305)673-7080.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and, under such circumstances additional legal notice would not be provided.

Robert E. Parcher,
City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #0287

MB www.herald.com | THE HERALD | THURSDAY, OCTOBER 28, 2004

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**

**Condensed Title:**

A Resolution of the Mayor and City Commission authorizing the Mayor and City Clerk to execute a Lease Agreement with Hazen and Sawyer for approximately 2,800 Square feet of City-owned property, located at 1701 Meridian Avenue (a/k/a 777 - 17th Street), for a term of approximately 23 months, commencing November 15, 2004, and ending September 30, 2006; further waiving by 5/7ths vote the competitive bidding and appraisal requirements of Section 82-36 through 82-39 of the City Code, finding such waiver to be in the City's best interest.

Issue:

Shall the Mayor and City Commission adopt the Resolution?

Item Summary/Recommendation:

In January of 2002, the City of Miami Beach acquired the property located at 1701 Meridian Avenue, also known as 777-17th Street (the "Property"). At that time, Bratter, Calvo, Kreiger LLP/Playground Maps, Inc. (Bratter Kreiger) was occupying the Penthouse Suite, containing approximately 2,800 square feet of office space (the "Demised Premises"), pursuant to the provisions of an existing Lease Agreement that was set to expire on August 31, 2005. On March 10, 2004, Bratter Kreiger notified the City it was vacating the premises and ceasing payment of rent purportedly due to the condition of the Demised Premises, most specifically the maintenance and repairs of the elevators. As a result thereof, on April 16, 2004, the City sent Bratter Kreiger notice terminating their Lease, and the City has since resumed possession of the Demised Premises.

As a result of the "soft" office space market in Miami Beach, there has been only minor interest expressed in the space abandoned by Bratter Kreiger. Hazen and Sawyer, the City's city-wide program management contractor has negotiated, with the Administration, a Lease Agreement substantially in accordance with the terms and conditions outlined in the attached memorandum. Leasing the Demised Premises to Hazen and Sawyer will also facilitate the City's pursuit of litigation against Bratter Kreiger to recover damages resulting from their abandonment of the respective office space.

The Administration recommends that the Mayor and City Commission adopt the attached Resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Christina M. Cuervo, Jose Damien

Sign-Offs:

Department Director	Assistant City Manager	City Manager

F:\DDHP\ASSET\777-17th Street\HazenSawyer\Lease.SUM.DOC

AGENDA ITEM R7E
DATE 11-10-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A LEASE AGREEMENT WITH HAZEN AND SAWYER, PC, FOR THE LEASE OF APPROXIMATELY 2,800 SQUARE FEET OF CITY-OWNED PROPERTY, LOCATED AT 1701 MERIDIAN AVENUE (A/K/A 777 - 17TH STREET), PENTHOUSE SUITE, MIAMI BEACH, FLORIDA, FOR A TWENTY-THREE (23) MONTH TERM, COMMENCING ON NOVEMBER 15, 2004, AND ENDING ON SEPTEMBER 30, 2006; FURTHER WAIVING BY 5/7THS VOTE THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS SET FORTH IN SECTION 82-36 THROUGH 82-39 OF THE MIAMI BEACH CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

In January of 2002, the City of Miami Beach acquired the property located at 1701 Meridian Avenue, also known as 777-17th Street (the "Property"). At that time, Bratter, Calvo, Kreiger LLP/Playground Maps, Inc. (Bratter Kreiger) was occupying the penthouse area containing approximately 2,800 square feet of office space, more particularly, the Penthouse Suite (the "Demised Premises"), pursuant to the provisions of an existing Lease Agreement that was set to expire on August 31, 2005.

On March 10, 2004, Bratter Kreiger notified the City it was vacating the premises and ceasing payment of rent purportedly due to the condition of the Demised Premises, most specifically the maintenance and repairs of the elevators. This notice arrived after months of discussion and deliberations between the City and Bratter Kreiger to address their concerns and reach an amicable resolution regarding elevator repairs, and amidst the City's good faith efforts to procure new elevators for the Property, as authorized by City Commission on September 10, 2003.

On April 10, 2004 Bratter Kreiger abandoned the Demised Premises. As a result thereof, on April 16, 2004, the City sent Bratter Kreiger notice terminating their Lease, and the City has since resumed possession of the Demised Premises (This was properly accomplished pursuant to Paragraph 27 of the Lease Agreement). Additionally, the City notified Bratter Kreiger that, as a result of its default and subsequent termination of their Lease, it had forfeited its Security Deposit (\$10,000).

Pursuant to Paragraph 27 of the Lease Agreement, the City may re-let the premises upon termination of the Lease; therefore the City has been actively marketing the vacated Demised Premises. In order to substantiate whatever damages the City incurs with respect to the termination of the Lease, specifically, pursuant to Paragraph 27 (b) of the Lease Agreement, one of the City's (as Landlord) remedies following termination is to "...resume possession and re-lease or re-rent the Premises for the remainder of the Term for the account of Tenant and recover from Tenant, at the end of the Term or at the time each payment of rent comes due under this Lease, as the Landlord may choose, the difference between the rent provided for in this Lease and the rent received on the re-lease or re-rental, together with all costs and expenses of the Landlord on connection with the re-leasing or re-rental and collection of rent and the costs of all repairs or renovations reasonably necessary in connection with the re-leasing or re-rental;...."

As a result of the "soft" office space market in Miami Beach, only minor interest has been expressed in the space abandoned by Bratter Kreiger. Hazen and Sawyer, the City's city-wide program management contractor, has approached the City and expressed interest in leasing the space due to its proximity to the City's Capital Improvement Project office, which they currently work closely with in a consulting capacity, pursuant to its Program Management contract with the City. As an additional incentive to attract Hazen and Sawyer, who currently have an existing leasing arrangement at the "Giller Building", located on Arthur Godfrey Road, the City offered the aforementioned rent abatement, with the intent of possibly recapturing the revenues Hazen and Sawyer may derive from the potential subleasing of the Giller Building space, if said sublease were to commence earlier than the expiration of the six (6) month rent abatement period. However, said provision was not incorporated in the lease agreement due to the fact that the Program Management contract Hazen and Sawyer has in place with the City, requires that the City reimburse Hazen and Sawyer for any costs they incur for rental of office space to house operations associated with the services they are providing to the City under said Program Management contract. As such, if a sublease is executed for the Giller space, the City will incur savings in the form of a reduced rental reimbursement under the Program Management Contract the non-inclusion of said provision should result in a savings to the City under its Program Management contract.

On October 13, 2004, the Administration presented to the Mayor and City Commission the substantive terms and conditions negotiated with Hazen and Sawyer, at which time a public hearing was set for November 10, 2004, and the Administration received authorization to finalize negotiations and present the Lease Agreement on November 10, 2004. Negotiations have been concluded and the Administration and Hazen and Sawyer have agreed to the conditions of a short-term Lease Agreement substantially in accordance with the following:

Demised Premises: The leased premises shall consist of the penthouse suite, encompassing approximately 2,800 square feet, on the fifth floor of the City-owned property located at 1701 Meridian Avenue (a/k/a 777-17th Street), Miami Beach, Florida 33139.

- Term: The initial term of the Lease Agreement shall be for a period of approximately twenty-three (23) months, commencing on November 15, 2004, and ending on September 30, 2006.
- Option to Renew: The City, at its sole discretion, may allow for Hazen and Sawyer to extend the term of the Lease Agreement to run concurrent with any extension the City may grant to Hazen and Sawyer pursuant to their City-wide program management contract, but not to exceed a period of five (5) years in total (as provided in the Shapiro Ordinance) from the initial Lease Commencement Date.
- Use: Hazen and Sawyer shall use the Demised Premises as an engineering office to serve as the City's program manager and for other engineering activities and operations.
- Total Rent: 6 month rent abatement¹; Rent commencement on May 1, 2005, at a rate of \$5,366.67 per month, (\$23.00 per square foot gross, annually), with a 3% increase in the second year.
- Sales/Use Tax: Hazen and Sawyer shall also be responsible for all applicable sales and use tax.
- Parking: Hazen and Sawyer may request, from the City's Parking Department, the use of parking spaces, if available, at Municipal Parking Garage 2-G located on 17th Street and Meridian Court. Rates for said spaces are subject to change, and are currently \$60.00 per month, plus applicable sales and use tax per space.
- Security Deposit: Hazen and Sawyer will provide the City with a security deposit in the amount of \$5,366.67.

The Mayor and City Commission's authorization to purchase the Property in January 2002, would serve to address the City's ongoing need for administrative office expansion on a graduated basis. While the Administration has begun implementing the aforesaid objective, it also considers that allowing this short term office tenancy, at this time, will allow the City to maintain its revenue stream from the Property until such time as the subject space is required for City office expansion. Additionally, accommodating Hazen and Sawyer is deemed to be in the City's best interest and will facilitate interaction with the City's Capital Improvement Projects Office, which is situated in the same building.

The proposed lease is subject to the requirements of Sections 82-36 through 82-39 (a/k/a

¹ In light of the "soft" office space market, and the recommended pursuit of litigation associated with Bratter Kreiger's abandoning of the penthouse suite (which if successful would serve to offset portions of the abated rent) concessions were made in order to lease the space and allow for more expeditious pursuit of litigation.

Shapiro Ordinance) of the Miami Beach City Code, governing the sale/lease of public property, provides that the lease of any City-owned property for a period of five years or less, including option periods, requires the following:

- a competitive public bidding process
- a Planning Department analysis
- an independent appraisal to determine the value of the leasehold interest
- a public hearing to obtain citizen input

As previously stated above, on October 13, 2004, the Mayor and City Commission set the required public hearing for today. A copy of the required Planning Department analysis is attached hereto and reflects a favorable recommendation. Notwithstanding the rent abatement provided, due to the "soft" office space market, acceptance of the negotiated rate of \$23.00 per square foot is considered to be in keeping with current market rate, while allowing for more expeditious pursuit of litigation with Bratter Kreiger to recover the respective rents due under their previously existing lease. The housing of Hazen and Sawyer in the same building as the City's Capital Improvement Projects Office, is also considered to serve the City well. As such, the waiving of the appraisal and competitive bid requirements is considered to be in the best interest of the City.

Based on the foregoing, the Administration recommends that the Mayor and City Commission adopt the attached Resolution authorizing the Mayor and City Clerk to execute the Lease Agreement with Hazen and Sawyer, and waive the competitive bidding and appraisal requirements set forth in Sections 82-36 through 82-39 of the City Code.

^{auc}
JMG\CMC\JD\rd

N:\\$ALL\ASSET\777-17th Street\HazenSawyer\Lease.MEM.DOC

CITY OF MIAMI BEACH
Planning Department
Interoffice Memorandum



To: Cristina M. Cuervo
Assistant City Manager

Date: October 19, 2004

From: Jorge G. Gomez 
Planning Director

Subject: **PLANNING ANALYSIS PURSUANT TO SECTION 82-38**

The following is the Planning analysis pursuant to Section 82-38 of the City Code for the use of office space on the penthouse of 1701 Meridian Ave. (aka 777 17th Street), which is owned by the City. This analysis is for the lease with Hazen and Sawyer.

1. Whether or not the proposed ordinance is in keeping with City Goals and objectives and conforms to the Comprehensive Plan.

The use contemplated in the above mentioned lease is not inconsistent with the Comprehensive Plan.

2. The impact on adjacent property, including the potential positive or negative impacts such as diminution of open space, increased traffic, noise level or enhanced property values, improved development patterns and provision of necessary services. Based on the proposed use of the property, the City shall determine the potential impact of the project on City utilities and other infrastructure needs and the magnitude of the costs associated with needed infrastructure improvements. Should it become apparent that further evaluation of traffic impact is needed, the proponent shall be responsible for obtaining a traffic impact analysis from a reputable traffic engineer.

The proposed use is not expected to have any detrimental impact on any adjacent properties, as this is an existing office use inside an office building. This office use in a limited portion of the existing structure is not foreseen to have any increase in traffic or other infrastructure needs.

3. A determination as to whether or not the proposed use is in keeping with a public purpose and community needs, such as expanding the City's revenue base, reducing City costs, creating jobs, creating a significant revenue stream, and improving the community's overall quality of life.

Yes, it does add funds to the City through the terms of the lease, and provides employment for the employees of Hazen and Sawyer.

4. Determination as to whether or not the development is in keeping with the surrounding neighborhood, will block views, or create other environmental intrusions, and evaluation of the design and aesthetic considerations of the project.

The lease agreement is for office space within an existing structure and the use is not expected to create environmental intrusions into the community.

5. The impact on adjacent properties, whether or not there is adequate parking, street and infrastructure needs.

There are no negative impacts to the criteria items from this project. The lease for an individual office use within an existing structure does not create any additional impacts, as all those needs were met or mitigated during construction of the overall building.

6. A determination as to whether or not alternatives are available for the proposed disposition, including assembly of adjacent properties, and whether the project could be accomplished under a private-ownership assembly.

It is possible that the rental of office space could be accomplished in other places within the City; however that would cause the City to be without tenants in this space, adversely impacting the financial feasibility of maintaining this City asset.

7. Within the constraints of public objectives, the department should examine financial issues such as job generation, providing housing opportunities and the return to the City for its disposition of property.

The return to the City is the continued income from renting the office space in question. Other issues not applicable.

8. Such other issues as the Planning Department may deem appropriate in analysis of the proposed disposition.

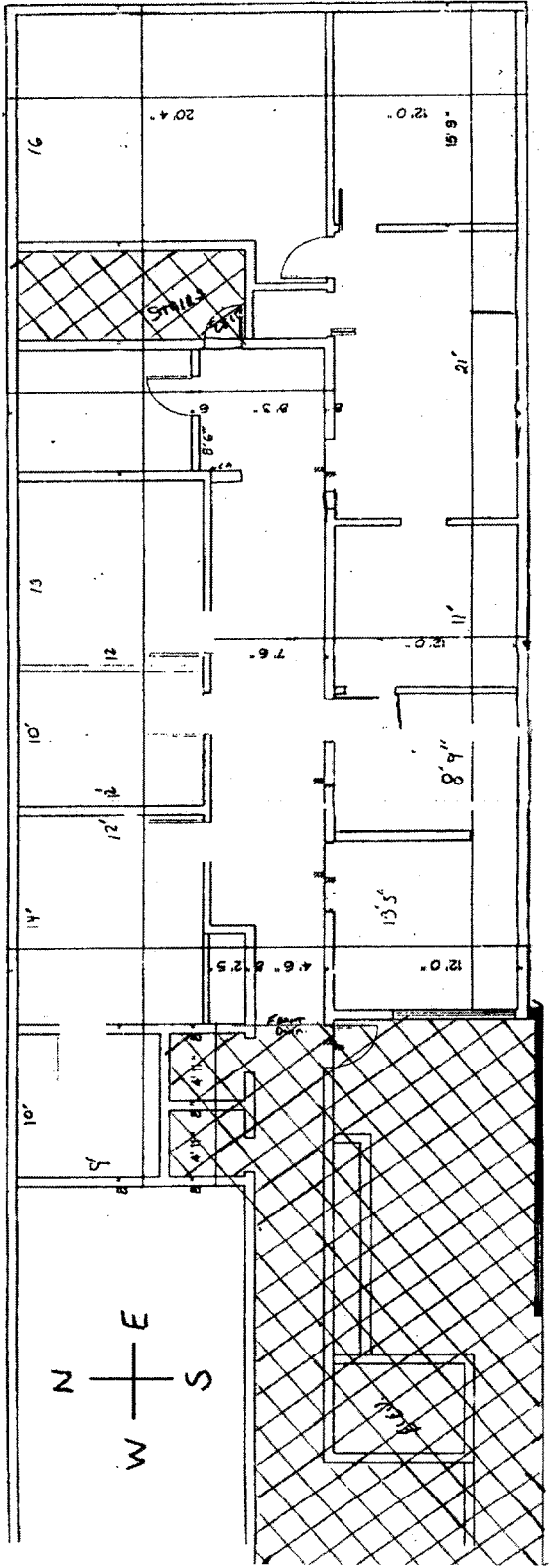
None.

JGG/RL

F:\PLAN\SALL\Shapiro amend files\hazen and sawyer 777 17th street penthouse.doc

EXHIBIT A

Not included as part of the
"Demised Premises" as
described in Section 1 of this
Lease Agreement



RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A LEASE AGREEMENT WITH HAZEN AND SAWYER, PC, FOR THE LEASE OF APPROXIMATELY 2,800 SQUARE FEET OF CITY-OWNED PROPERTY, LOCATED AT 1701 MERIDIAN AVENUE (A/K/A 777 - 17TH STREET), MIAMI BEACH, FLORIDA, FOR A TWENTY-THREE (23) MONTH TERM, COMMENCING ON NOVEMBER 1, 2004, AND ENDING ON SEPTEMBER 30, 2006; FURTHER WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS AS SET FORTH IN SECTIONS 82-36 THROUGH 82-39 OF THE MIAMI BEACH CITY CODE, FINDING SUCH WAIVERS TO BE IN THE BEST INTEREST OF THE CITY

WHEREAS, in January of 2002, the City acquired the property located at 1701 Meridian Avenue (a/k/a 777-17th Street), Miami Beach Florida (the "Property"); and

WHEREAS, at that time, Bratter, Calvo, Kreiger LLP/Playground Maps, Inc. (Bratter Kreiger) was occupying approximately 2,800 square feet of office space, more particularly, the Penthouse Suite (the "Demised Premises"), pursuant to the provisions of an existing Lease Agreement that was set to expire on August 31, 2005; and

WHEREAS, on March 10, 2004, Bratter Kreiger notified the City it was vacating the premises and ceasing payment of rent, purportedly due to certain conditions of the Property; specifically, the maintenance and repairs of the elevators; and

WHEREAS, on April 10, 2004, Bratter Kreiger abandoned the Demised Premises and, as a result thereof, on April 16, 2004, the City sent Bratter Kreiger notice terminating the subject Lease Agreement, at which time the City resumed possession of the Demised Premises; and

WHEREAS, the Lease Agreement provides that the City may re-let the Premises upon termination of the Lease, and as such the City has been actively marketing the vacated Demised Premises; and

WHEREAS, as a result of the "soft" office space market in Miami Beach, there has been only minor interest expressed in the vacated space, and the City had yet been able to re-let same; and

WHEREAS, Hazen and Sawyer, one of the City's program management contractor, has approached the City and expressed interest in leasing the space, and has reached agreement with the City to lease the Demised Premises for a term of approximately

twenty-three (23) months, the conditions of which are reflected in the attached Lease Agreement; and

WHEREAS, the lease of City-owned property, for a term of more than one year, requires compliance with the applicable requirements of Sections 82-36 through 82-39 of the City Code (a/k/a/ Shapiro Ordinance); and

WHEREAS, on October 13, 2004, the Mayor and City Commission set a public hearing (as required by the Shapiro Ordinance) for November 10, 2004; and

WHEREAS, the Mayor and City Commission originally authorized the purchase of the Property to address the City's ongoing need for administrative office expansion on a graduated basis; and

WHEREAS, the Administration has begun implementing the aforesaid objective; it also considers that allowing for this short term office tenancy, at this time, will allow the City to maintain its revenue stream from the Property until such time as the subject space is required for City office expansion; and

WHEREAS, accommodating Hazen and Sawyer is deemed to be in the City's best interest and will facilitate their interaction with the City's Capital Improvement Projects Office, situated in the same building.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that following a public hearing to hear comment on same, the Mayor and City Clerk are hereby authorized to execute the attached Lease Agreement between the City of Miami Beach and Hazen and Sawyer, PC, for the lease of approximately 2,800 square feet of City-owned property, located at 1701 Meridian Avenue (a/k/a 777 - 17th Street), Penthouse Suite, Miami Beach, Florida, for a twenty-three (23) month term, commencing on November 1, 2004, and ending on September 30, 2006; further, the Mayor and City Commission waive, by 5/7ths vote, the competitive bidding and appraisal requirements as set forth in Sections 82-36 through 82-39 of the Miami Beach City Code, finding said waivers to be in the best interest of the City.

PASSED and ADOPTED this _____ day of _____, 2004.

ATTEST:

CITY CLERK

MAYOR

JMG\CMC\JD\rir

F:\DDHP\ALL\ASSET\777-17th Street\HazenSawyer\Lease.RES.DOC

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**


City Attorney

11-2-04
Date



CITY OF MIAMI BEACH NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY given that a public hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on Wednesday, November 10, 2004, at 10:45 a.m. to hear public comment regarding the lease with Hazen and Sawyer, P.C., of approximately 2,800 square feet of City-owned property located at 1701 Meridian Avenue (a/k/a 777 17th Street), Miami Beach, Florida, for a twenty-three (23) month term, commencing on November 1, 2004, and ending on September 30, 2006; further to consider waiver, by 5/7ths vote, of competitive bidding and appraisal requirements; and consenting to the negotiated terms presented herein; **subject** to a lease agreement, in a form acceptable to the City Attorney, and compliance with the requirements of Sections 82-36 through 82-39 of the Miami Beach City Code.

Inquiries may be directed to Asset Management at (305) 673-7260.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and, under such circumstances additional legal notice would not be provided.

Robert E. Parcher,
City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #0284)

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution appropriating Funds for increased costs to construct the restrooms located east of Collins Avenue at 21st, 46th and 64th Streets, in the amount of \$227,776, from Parking Funds.

Issue:

Shall the Commission approve the appropriation of \$227,776 available from Parking Funds?
Shall the Commission approve the additional \$51,547 to fund the concession stand at the 46th Street location?

Item Summary/Recommendation:

The City Manager was authorized to submit a request to the Miami-Dade County Safe Neighborhood Parks Bond (SNPB) Oversight Board via Resolution No. 2000-24182, and appropriate the funds for the reallocation of \$750,000 in bond revenues from the Boardwalk Renovation Project into the Beachfront Restroom/Concession Replacement Project. The Administration identified at the time six beachfront restroom/concession facilities which were in crucial need of replacement. The subject facilities are located in the beachfront parks east of Collins Avenue at 21st, 29th, 46th, 53rd, 64th and 72nd Streets. The existing restroom and concession facilities at those locations are in extremely deteriorating condition, are not compliant with American Disabilities Act, cannot be effectively secured, and are magnets for illicit activities. The Restrooms Facilities at 21st, 29th and 64th Streets have previously been demolished. A Resolution dated April 30, 2003 approved the award of a contract to Tran Construction, Inc., (TRAN) in the amount of \$648,000, pursuant to Bid No. 03-02/03, for the professional design/build of four new restroom/concession facilities within the beachfront parks located at 21st, 46th, 53rd and 64th Streets respectively. Due to litigation with the original designer, there was delay on the project which was recently resolved. After resolution of the litigation and with the design documents more than sixty percent (60%) completed, TRAN has now provided a new cost for the construction of the 21st, 46th, 53rd and 64th Street facilities. Because of the escalating prices on labor and materials during the lengthy delay, the construction cost of the four restroom/concession facilities is now \$1,512,778 which includes the 21st Street restroom cost of \$393,460. To this amount, 10% contingency, 4.8% CIP Fee and 1.5% Art in Public Places is added for a total or \$1,759,361. Due to limited funding the facility on 53rd Street will not be constructed at this time. The Administration recommends the construction of the 21st Street restroom and concession facility, and of the 46th and 64th Street restrooms, without concession stands. The price of these facilities is now reduced to \$1,217,709 including contingency Art in Public Places and CIP Fees. Use of Parking funds is appropriate as the 46th Street bathroom is directly adjacent to a large public parking lot and will support the users thereof.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
	1	\$227,776	Parking Revenue	

City Clerk's Office Legislative Tracking:

Camilo Arca ext 6962

Sign-Offs:

Department Director	Assistant City Manager	City Manager
TH	RCM CMC	

T:\AGENDA\2004\Nov1004\Regular\Restroom cover .doc
C-BeachRRooms-02-11102004-CA

AGENDA ITEM R7F
DATE 11-10-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND TRAN CONSTRUCTION, INC., TO CONSTRUCT THE BEACHFRONT RESTROOM/CONCESSION FACILITIES LOCATED EAST OF COLLINS AVENUE AT 21st, 46th AND 64th STREETS, PURSUANT TO THE BID AWARD GRANTED BY RESOLUTION 2003-25196, AND APPROPRIATING FUNDS, IN THE AMOUNT OF \$227,776, AVAILABLE FROM PARKING FUNDS FOR INCREASED COSTS IN THE CONSTRUCTION OF THE PROJECT.**

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

FUNDING

Funds in the amount of \$531,858 are available and have been previously appropriated from the Miami-Dade County Safe Neighborhood Parks Bond (SNPB) for this project. An appropriation of additional funds in the amount of \$458,075 from City Center RDA TIF funds is being requested elsewhere on this agenda. This Memorandum is seeking appropriation of \$227,776 from Parking Funds.

ANALYSIS

The City Manager was authorized to submit a request to the Miami-Dade County Safe Neighborhood Parks Bond (SNPB) Oversight Board in Resolution No. 2000-24182, dated November 29, 2000, and appropriate the funds for the reallocation of \$750,000 in bond revenues from the Boardwalk Renovation Project into the Beachfront Restroom/Concession Replacement Project. The Administration identified at the time six beachfront restroom/concession facilities which were in crucial need of replacement. The subject facilities are located in the beachfront parks east of Collins Avenue at 21st, 29th, 46th, 53rd, 64th and 72nd Streets. The existing restroom and concession facilities at those locations are in an extremely deteriorated condition, are not compliant with the Americans with Disabilities Act, cannot be effectively secured, and are magnets for illicit activities. The restroom facilities at 21st, 29th, and 64th Streets have previously been demolished.

Because beach tourism is vital to the economic well being of our community, and the availability of safe, clean and accessible restrooms and concession facilities is vital to beach tourism, the Administration initiated the design of restroom and concession facilities

for the aforesated facilities. The goal of the design project was to develop a standardized design for restroom facilities that would be user friendly, have low maintenance, was resistant to vandalism and securable. The facilities would be designed in different styles or with and without concession facilities, so that an appropriately scaled facility could be selected for each individual location.

Corzo, Castella, Carballo, Thompson and Salman (C3TS) was awarded a contract, via Resolution No. 2001-24348, dated April 18, 2001, for architectural, engineering and construction management services required to construct the five oceanfront restroom/concession facilities located east of Collins Avenue at 21st, 29th, 46th, 53rd and 64th Streets.

The design features included in the restroom facilities are of high-end, attractive modular units integrated with the existing architecture of Miami Beach. It captures the continuing flow of nature, with contoured circular roof lines, tapered columns and round louvered windows. Other components include aquatic related designs and uniquely landscaped plazas which feature automatic lighting and irrigation systems at each facility for an aesthetically pleasing environment. Attachments A through C reflect the proposed designs.

After the completion of sixty percent (60%) Construction Documents, C3TS had their contract Terminated for Convenience by the City on January 14, 2002 and entered into litigation with the City due to a dispute on the percentage of completion on the documents and required payments. All design work for the Beachfront Restrooms was suspended pending the outcome of the litigation. An Invitation to Bid No. 03-02/03, for a design/build contractor to complete the design, permitting and to construct the remaining four restroom/concession facilities was issued on December 4, 2002. The 29th Street facility was eliminated due to community opposition. The 72nd Street facility was reallocated to be constructed during the Band Shell Improvements in the North Beach Recreational Corridor Project.

Resolution No. 2003-25196, dated April 30, 2003, approved the award of a contract to Tran Construction, Inc., (TRAN) in the amount of \$648,000, pursuant to Bid No. 03-02/03, for the design/build services required for the design, permitting and construction of four new restroom/concession facilities within the beachfront parks located at 21st, 46th, 53rd and 64th Streets respectively. The bid requirements included providing all labor, materials and equipment necessary to design, permit and construct the new facilities in accordance with the sixty percent (60%) design plans prepared by C3TS and the City's Design Criteria Specification Package.

Many of the residents and property owners in the vicinity of the 29th Street facility had voiced their opposition to the replacement of that specific restroom facility. Based on the majority opposition to the redevelopment of the restroom, plans to replace the 29th Street facility were discontinued. Therefore, this Resolution recommended the reallocation of the General Obligation (GO) Bond funding, of \$175,000, previously allocated to the 29th Street restroom to be used for the construction of the 46th and 53rd Street facilities. This reallocation was necessary to complete the funding for the Beach Restroom Project awarded to TRAN. The Commission did not approve this recommendation and instead directed the administration to preserve this funding for use in a potential future 35th Street

Restroom Facility. The Administration was then directed to seek other sources of funding for the project.

Funding in the amount of \$250,000 for the 35th Street Restroom Facility will be available from County GO Bond Funds approved by voters on November 2, 2004. At a later time, the Administration intends to request that the City Commission appropriate those funds along with the aforementioned \$175,000 in City G.O. Bond funds, for the design and construction of the 35th Street facility.

Recently, Tran Construction was requested to submit a new proposal because two years have passed since the last proposal was presented to the City Commission. This was requested after resolution of the litigation between the City and C3TS. Because of the escalating prices on labor and materials, the cost of the four restroom/concession facilities is now \$1,512,778 including the additional fees to complete the design. To this amount a ten percent (10%) contingency, 4.8% CIP Fee and 1.5% Art in Public Places must be added for a total of \$1,759,361.

Due to limited funding, the facility on 53rd Street which was originally part of the package will not be constructed at this time, providing preference for the facilities on 46th and 64th Streets due to their heavy usage (see "Attachment D").

The Administration recommends the construction of the 21st Street restroom and concession facility, and of the 46th and 64th Street restrooms, without concession stands, due to the limited funding. The cost of these facilities is now reduced to \$1,046,461 including design fees. To this amount a ten percent (10%) contingency, 4.8% CIP Fee and 1.5% Art in Public Places is added for a total of \$1,217,709. Funding Cost Breakdown is as follows:

	<u>21st</u>	<u>46th</u>	<u>64th</u>	
<u>BATHROOM FACILITY:</u>	<u>STREET</u>	<u>STREET - No</u>	<u>STREET -</u>	
<u>COST BREAKDOWN</u>		<u>C. Stand</u>	<u>No C. Stand</u>	<u>TOTAL</u>
DESIGN	\$ 14,030	\$ 15,800	\$ 12,500	\$ 42,330
CONSTRUCTION COST	\$ 379,430	\$ 323,944	\$ 300,757	\$ 1,004,131
CONTINGENCY	\$ 37,943	\$ 32,394	\$ 30,076	\$ 100,413
AIPP	\$ 5,691	\$ 4,859	\$ 4,511	\$ 15,062
CIP FEE	\$ 20,981	\$ 18,096	\$ 16,697	\$ 55,773
<u>TOTAL:</u>	<u>\$ 458,075</u>	<u>\$ 395,093</u>	<u>\$ 364,541</u>	<u>\$ 1,217,709</u>
<u>FUNDING SOURCE</u>				<u>TOTAL</u>
RDA	\$ 458,075			\$ 458,075
PARKING FUND		\$ 223,265	\$ 4,511	\$ 227,776
SNPB (Currently Available)		\$ 171,828	\$ 360,029	\$ 531,858
<u>TOTALS</u>	<u>\$ 458,075</u>	<u>\$ 395,093</u>	<u>\$ 364,541</u>	<u>\$ 1,217,709</u>

Funding from the Parking fund for the 46th Street bathroom facility is suggested as appropriate given the proximity of a large City parking lot. The bathroom area is directly adjacent to a well used City parking lot. As the bathroom is supportive of the parking function as well as the beach use, not all of the funding for this facility is proposed to come

from parking funds.

These costs are higher than the costs of the original TRAN bid due to the time span between such award and the current agreement negotiations with TRAN. The new costs include the consultant's services required to complete the documents, obtain the necessary permits, and the construction administration services. The areas of higher costs include steel, concrete and electrical installations where market increases have been significant in recent times. Staff has reviewed and evaluated the proposed costs and find them within acceptable parameters in the industry.

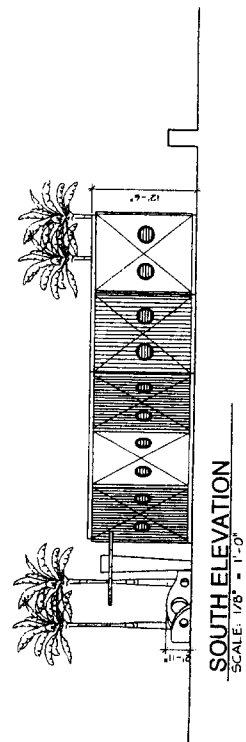
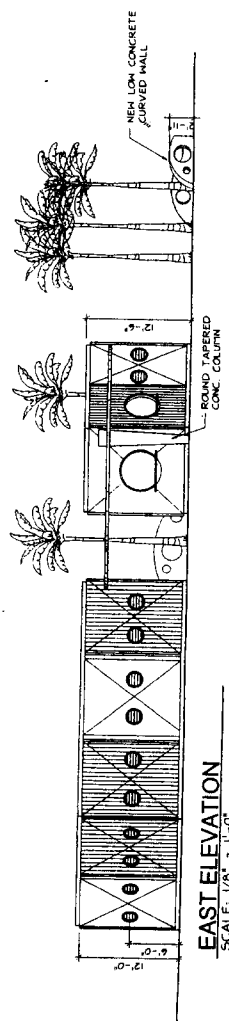
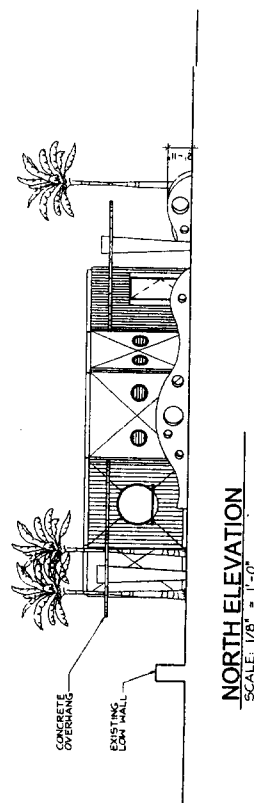
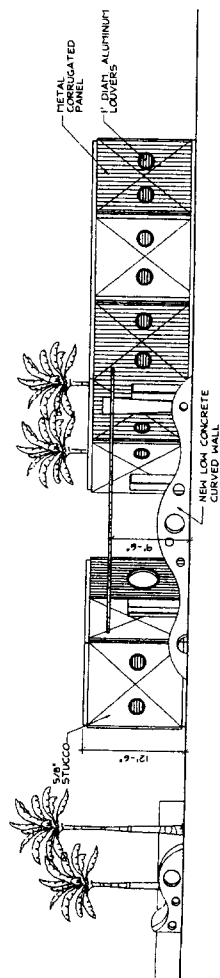
As an alternative, the City Commission may wish to consider funding the construction of a concession stand at the 46th Street facility. That would equate to an additional cost of \$51,547, which would have to be funded from additional Parking Funds. A breakdown of the revised costs is as follows:

	<u>21st STREET</u>	<u>46th STREET - With C. Stand</u>	<u>64th STREET - No C. Stand</u>	<u>TOTAL</u>
<u>BATHROOM FACILITY:</u>				
<u>COST BREAKDOWN</u>				
DESIGN	\$ 14,030	\$ 15,800	\$ 12,500	\$ 42,330
CONSTRUCTION COST	\$ 379,430	\$ 368,057	\$ 300,757	\$ 1,048,244
CONTINGENCY	\$ 37,943	\$ 36,806	\$ 30,076	\$ 104,824
AIPP	\$ 5,691	\$ 5,521	\$ 4,511	\$ 15,724
CIP FEE	\$ 20,981	\$ 20,457	\$ 16,697	\$ 58,134
<u>TOTAL:</u>	<u>\$ 458,075</u>	<u>\$ 446,640</u>	<u>\$ 364,541</u>	<u>\$ 1,269,256</u>
<u>FUNDING SOURCE</u>				<u>TOTAL</u>
RDA	\$ 458,075			\$ 458,075
PARKING FUND		\$ 274,812	\$ 4,511	\$ 279,323
SNPB (Currently Available)		\$ 171,828	\$ 360,029	\$ 531,858
<u>TOTALS</u>	<u>\$ 458,075</u>	<u>\$ 446,640</u>	<u>\$ 364,541</u>	<u>\$ 1,269,256</u>

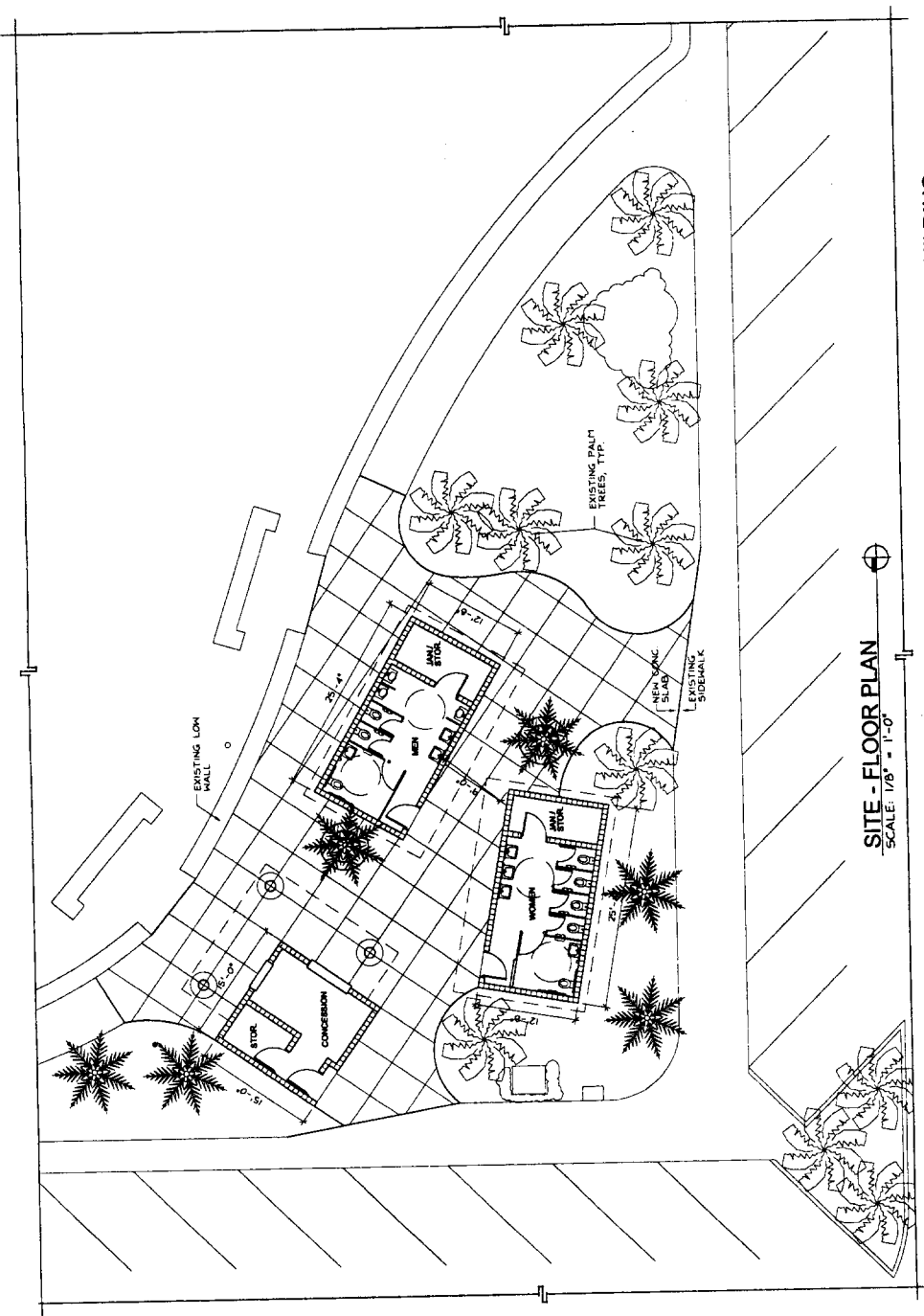
CONCLUSION:

Based on the above information, the Administration has determined that there is a need to increase the amount of funding for completion of the Beachfront Restrooms as currently designed and proposed and recommends that the Mayor and City Commission approve appropriation of additional funds in the amount of \$227,776 from Parking Funds for the full construction of the 21st concession and restroom facility, and of the 46th and 64th Street restrooms, without concession stands.

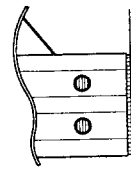
Attachments

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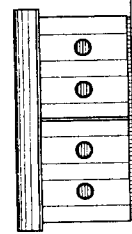
Attachment A
21st Street



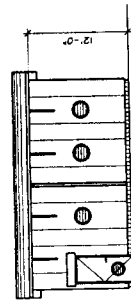
RESTROOM BUILDING:



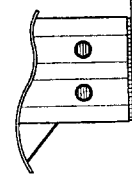
SIDE ELEVATION
SCALE: 1/8" = 1'-0"



BACK ELEVATION
SCALE: 1/8" = 1'-0"

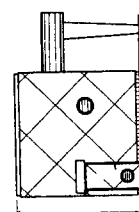


FRONT ELEVATION
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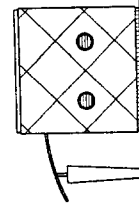


SIDE ELEVATION
SCALE: 1/8" = 1'-0"

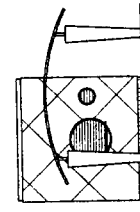
CONCESSION BUILDING:



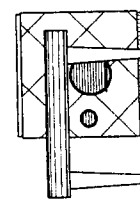
NORTH WEST ELEVATION
SCALE: 1/8" = 1'-0"



NORTH EAST ELEVATION
SCALE: 1/8" = 1'-0"



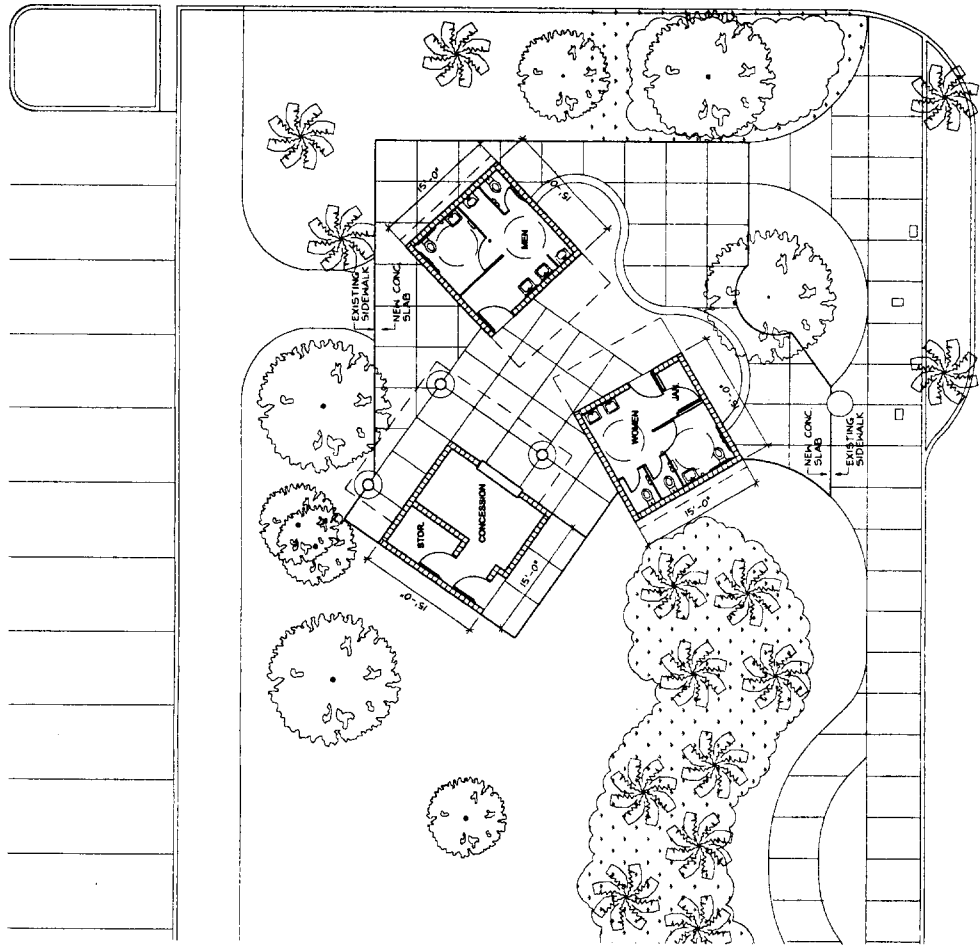
SOUTH WEST ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH EAST ELEVATION
SCALE: 1/8" = 1'-0"

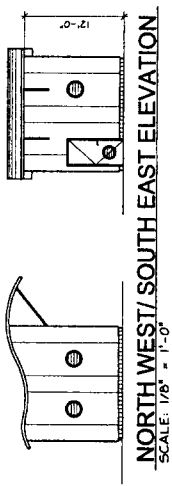
MUNICIPAL PARKING

COLLINS AVENUE

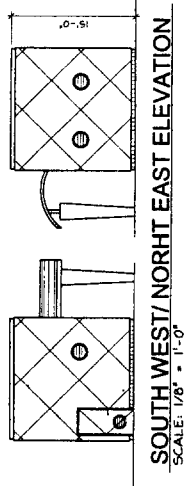


SITE - FLOOR PLAN
SCALE: 1/8" = 1'-0"

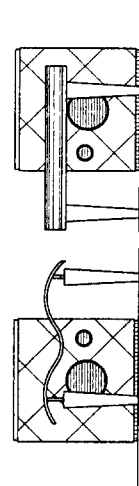
RESTROOM BUILDING:



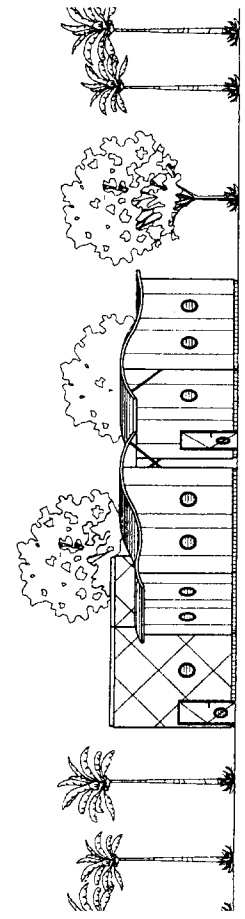
CONCESSION BUILDING:

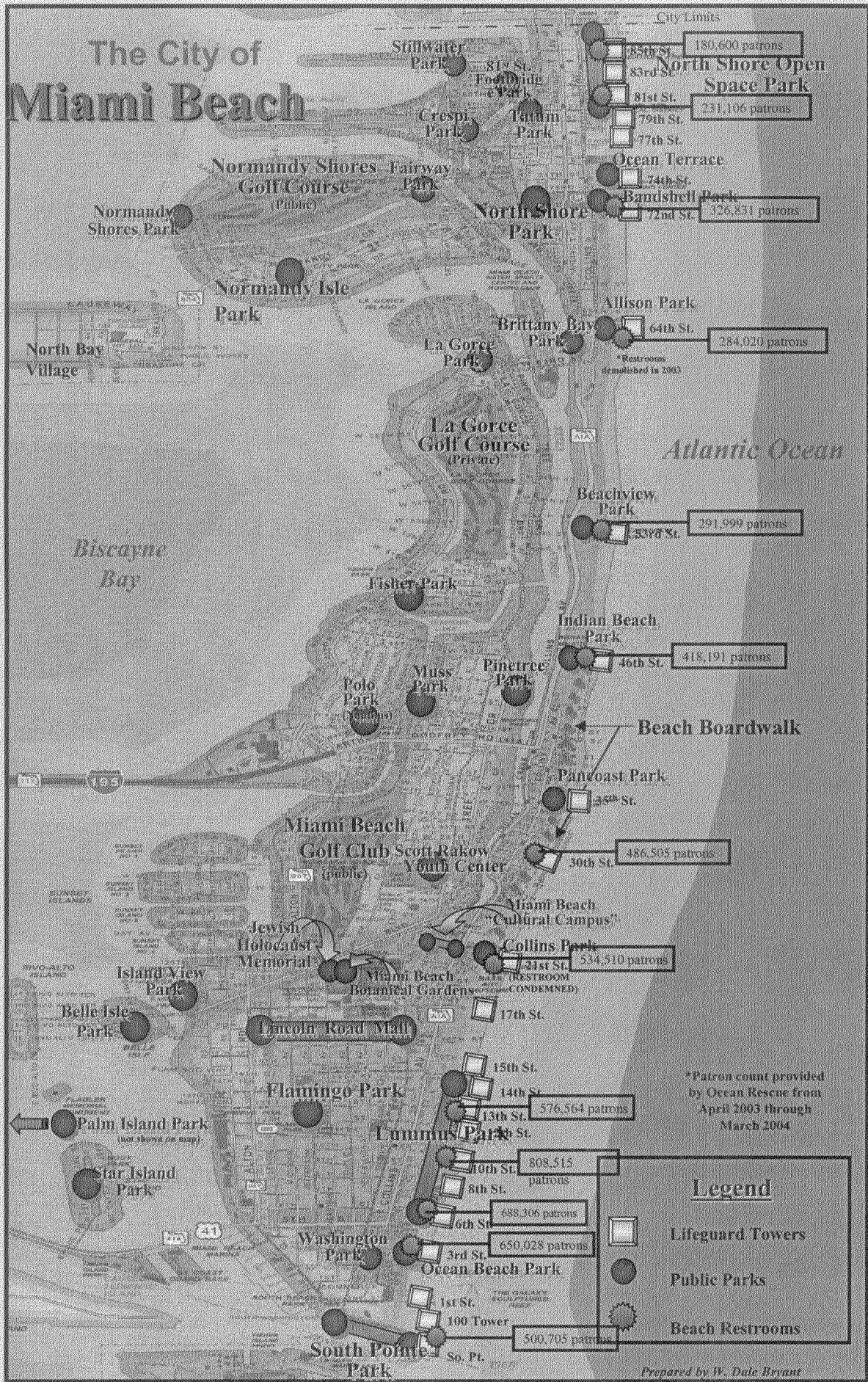


NORTH WEST / SOUTH EAST ELEVATION



WEST ELEVATION
SCALE: 1/8" = 1'-0"





RESOLUTION TO BE SUBMITTED

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**

**Condensed Title:**

A Resolution setting the dates for the year 2005 City Commission meetings.

Issue:

Shall the City Commission approve the dates for the 2005 City Commission meetings?

Item Summary/Recommendation:


Pursuant to Section 2.04 of the Miami Beach City Charter, "The City Commission shall meet at such times as may be prescribed by ordinance or resolution."

The Administration recommends approving the Resolution.

Advisory Board Recommendation:

N/A


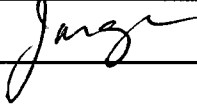
Financial Information:

Source of Funds:  Finance Dept.		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Robert E. Parcher

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM: R76

DATE: 11-10-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, SETTING THE DATES FOR THE YEAR 2005
CITY COMMISSION MEETINGS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Pursuant to Section 2.04 of the Miami Beach City Charter, "The City Commission shall meet at such times as may be prescribed by ordinance or resolution."

In preparing the recommended meeting dates, the Administration set three (3) goals: 1) schedule Commission meetings on a three (3) week cycle; 2) schedule Commission meetings on Wednesdays; and 3) not to schedule Commission meetings during the month of August, while the City Commission is in recess.

The Administration met the goals with the following exceptions:

Exception: Between the last meeting in 2004, December 8, and the proposed first meeting in 2005, January 12, there is a five (5) week break. This is to schedule around the Christmas and New Years Holidays.

Exception: The Wednesday, April 13th meeting is scheduled four (4) weeks after the previously scheduled meeting because of Miami-Dade Days the first week in April.

Exception: The Wednesday, June 8th meeting is scheduled two (2) weeks after the previously scheduled meeting because of Art Basel which is scheduled to begin Wednesday, June 15th.

Exception: The Wednesday, July 6th meeting is scheduled four (4) weeks after the previously scheduled meeting because of Art Basel as well.

Exception: Only one meeting is scheduled for September 7th, although there will be one or two additional meetings scheduled for the first and/or second reading of the budget.

Note: The Boat Show is scheduled for February 17-21 with move-in scheduled to start on February 10th and move-out scheduled on 22nd.

It is recommended that the City Commission meetings be set as follows:

- Wednesday, January 12
- Wednesday, February 2
- Wednesday, February 23
- Wednesday, March 16
- Wednesday, April 13
- Wednesday, May 4
- Wednesday, May 25
- Wednesday, June 8
- Wednesday, July 6
- Wednesday, July 27
- August, City Commission is in recess
- Wednesday, September 7
- Wednesday, October 19
- Wednesday, November 2 *
- Wednesday, November 16 * (if run-off required)
- Wednesday, December 7

* Election Related

The proposed 2005 calendar calls for 13 regularly scheduled Commission meetings, possibly two (2) election related Commission meetings, and an additional one (1) or two (2) special budget Commission meetings will be scheduled at a later time in September.

In preparing the calendar, City-designated holidays and religious holidays have been taken into consideration. Attachment "A" is a list of City of Miami Beach holidays. Attachment "B" is a list of Jewish holidays.

CONCLUSION

The Administration recommends that the Mayor and City Commission approve the proposed City Commission meeting dates for the year 2005.

JMG/REP

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Attachment “A”

CITY OF MIAMI BEACH **LEGAL HOLIDAYS 2005**

New Year's Day	Friday, December 31, 2004
Dr. Martin Luther King, Jr. Day	Monday, January 17, 2005
President's Day	Monday, February 21, 2005
Memorial Day	Monday, May 30, 2005
Independence Day	Monday, July 4, 2005
Labor Day	Monday, September 5, 2005
Veterans Day	Friday, November 11, 2005
Thanksgiving Day	Thursday, November 24, 2005
Day after Thanksgiving	Friday, November 25, 2005
Christmas	Monday, December 26, 2005

Attachment “B”

JEWISH HOLIDAYS 2005

Tu B'Shevat	Tuesday, January 25, 2005
Purim	Thursday, March 24-25, 2005
Passover begins	Saturday, April 23-May 1, 2005
Lag B'Omer	Friday, May 27, 2005
Shavuot	Sunday, June 12-14, 2005
Tish'a B'Av	Saturday, August 13-14, 2005
Rosh Hashanah	Monday, October 3-5, 2005
Yom Kippur	Wednesday, October 12-13, 2005
Sukkot	Monday, October 17-23, 2005
Shemini Atzeret	Tuesday, October 25, 2005
Simchat Torah	Wednesday, October 26, 2005
Hanukkah	Sunday, December 25-Jan.2, 2006

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, FLORIDA SETTING THE DATES FOR
THE YEAR 2005 COMMISSION MEETINGS.**

WHEREAS, pursuant to Section 2.04 of the Miami Beach City Charter, "the City Commission shall meet at such times as may be prescribed by ordinance or resolution." and

WHEREAS, the proposed dates for the Year 2005 City Commission meetings are as set forth on the attached Exhibit A.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby set the dates for the Year 2005 City Commission meetings as set forth on the attached Exhibit A.

PASSED and ADOPTED this _____ day of November, 2004.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *rsa* 11-5-04
Date

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution Approving a Settlement of the Lawsuit Styled, Gloria Rosenthal, Trustee of the Gloria Rosenthal Trust u/a/d/ 5-19-88, n/k/a Gloria Rosenthal Trust u/a/d 5-14-99 v. City of Miami Beach Case No. 04-10744 CA 31; Authorizing the Mayor and City Clerk to Execute any and all Necessary Settlement Documents, including but not Limited to the Execution of a Purchase and Sale Agreement between the City (Buyer) and the Gloria Rosenthal Trust (Seller) for the Property Located at 1833 Bay Road, Miami Beach, Florida; Further Making the Settlement Subject to and Conditioned Upon Closing on the Subject Property

Issue:

Shall the City Commission authorize the purchase of the Property?

Item Summary/Recommendation:

The City and the Landlord have negotiated and agreed to the terms and conditions of the attached Purchase and Sale Agreement, in the total amount of \$1,110,000, (Purchase price of \$1,080,000 and real estate brokerage commission of \$30,000), which is subject to a 35 day "due diligence" period, during which the City, may cancel and terminate the offer, without cause or penalty. During said "due diligence" period, the City will conduct a Phase 1 environmental audit, as well as other inspections to determine compliance with current and applicable regulatory codes. In the event there are violative conditions found, the City had indicated to Seller that they must correct said violations, or negotiate adjustments to the purchase price accordingly. A draft of the proposed Agreement was forwarded to the Seller, who through its legal counsel, verbally advised the City, that despite the "due diligence" period, this was intended to be an "as is, where is" transaction, and Seller would not assume additional costs (or contemplate reduction in purchase price) for any corrective work that may be required.

If the transaction is closed as expected, it is not anticipated that the City will incur any significant rehabilitation costs upon initial occupancy. However, based on preliminary inspections, effectuating corrective action of existing violations may trigger code required upgrades to the building, the costs of which have been preliminarily estimated not exceed \$100,000. Notwithstanding this estimated amount, a final estimate cannot be determined until conclusion of the assessment of the Property, during the due diligence period; at which time the City may determine whether to proceed with closing or (should final costs estimates be deemed prohibitively high) terminate the transaction.

The Administration recommends adoption of the Resolution.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 50px; margin: 0 auto;"></div> Finance Dept.	1	\$1,110,000	Parking Department	
	2			
	3			
	4			
	Total	\$1,110,000		

City Clerk's Office Legislative Tracking:

Christina Cuervo/Joe Damien

Sign-Offs:

Department Director	Assistant City Manager	City Manager

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A SETTLEMENT OF THE LAWSUIT STYLED, GLORIA ROSENTHAL, TRUSTEE OF THE GLORIA ROSENTHAL TRUST u/a/d 5-19-88, n/k/a GLORIA ROSENTHAL TRUST u/a/d 5-14-99 v. CITY OF MIAMI BEACH CASE NO. 04-10744 CA 31; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL NECESSARY SETTLEMENT DOCUMENTS, INCLUDING BUT NOT LIMITED TO THE EXECUTION OF A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY (BUYER) AND THE GLORIA ROSENTHAL TRUST (SELLER) FOR THE PROPERTY LOCATED AT 1833 BAY ROAD, MIAMI BEACH, FLORIDA; FURTHER MAKING THE SETTLEMENT SUBJECT TO AND CONDITIONED UPON CLOSING OF THE SUBJECT PROPERTY.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The Lease Agreement

On January 31, 2001, the Mayor and City Commission adopted Resolution No.2001-24250 approving a Lease Agreement between the City of Miami Beach (Tenant) and Gloria Miller-Rosenthal (Landlord) for continuing the use of the property located at 1833 Bay Road, Miami Beach, Florida (the Property). The Property, includes the first floor (approximately 3,232 square feet) currently housing the City's Parking Department Sign Division, the second floor (approximately 3,232 square feet) which had been used to accommodate certain Police Department operations (which were relocated to Historic City Hall in April 2004), and the use of the rear yard (approximately 4,000± square feet). The Lease had a term of three years, commencing on February 1, 2001, and expiring on January 31, 2004.

Although the Police operations were to be relocated (and were relocated in April 2004) as mentioned above, the future location of the Parking Department Sign Division had yet to be determined, thus the Administration negotiated a month-to-month extension with the Property owner so the respective operations could remain on site until the respective relocation of each.

The Amendment to Lease (with Option to Purchase)

On February 4, 2004, the Mayor and City Commission, via Resolution No. 2004-25483, approved an Amendment to the Lease Agreement, authorizing the City, effective

February 1, 2004, to continue to lease the Property on a month-to-month basis. In April 2004, the City exercised its option to terminate the use of the 2nd Floor Space previously occupied by Police operations. The terms and conditions, at the current time, provide for the following:

- The City pays the Landlord, as compensation for use of the 1st Floor, and one-half (1/2) of the rear yard, of the Property, the sum of five thousand dollars (\$5,000) per month, plus two hundred fifty dollars (\$250) per month representing an increase in real property taxes and insurance (as reported by Landlord) for the years 2001 through 2003.
- The City and/or Landlord may, at their sole discretion, without cause, terminate the month-to-month tenancy upon giving the other party sixty (60) days prior written notice of its intentions.

Option to Purchase

Due to the following conditions, the Administration negotiated an Option to purchase the Property, an option already included in the previously existing lease agreement:

- The Property is located adjacent to two (2) City-owned municipal parking lots, thus in combination therewith, same may provide the City with an enhanced opportunity, in the future, to develop the site, either on its own or via a public/private venture.
- In the past, the City invested upwards of \$75,000 in improvements and upgrades to the Property and the City has the opportunity to continue to take advantage of the improvements previously made.
- If the City purchases the Property, there are certain modifications to the Property, including accessibility upgrades, that would be required to bring the Property into compliance with current code(s).

As such, the City negotiated, an extended and more specific option to purchase, which includes:

- The City reserved the right to purchase the Property, for \$986,000 (the "Option Price"); the amount equal to the average between the Landlord's asking price of \$1,050,000, and that reflected in the City procured appraisal which placed the value at \$922,000;
 - within six (6) months of executing the extension; or
 - until such time as the City notifies Landlord in writing of its intention not to purchase; or
 - until such time as the Landlord enters into a "binding" Purchase and Sale Contract for the sale of the Property with a "pre-approved and qualified" third party (with the City reserving the right to match the amount of said third party offer and purchase the Property), whichever occurs first.
 - in the event the Landlord enters into a binding Purchase and Sale Contract for the sale of the Property with a pre-approved and qualified third party, and the City had not exercised its right to purchase the Property at that time, and the Purchase and Sale was

not consummated with said third party, the City's rights to purchase the Property would continue as provided above.

Except as herein delineated, all terms and conditions of the original Lease, dated January 31, 2001, remained in full force and effect.

The Third Party Offer

On March 23, 2004, the City received from Gloria Rosenthal a copy of a contract for purchase and sale of the Property for \$1,185,000, which she had received from prospective buyer Tamron Properties (Tamra Sheffman, principal). On April 6, 2004, the matter was presented to the Finance and Citywide Projects Committee, which reviewed the item and requested the Administration to provide a cost estimate for any improvements which may be required to bring the Property into compliance with applicable codes, and further referred the item for a full discussion, by the Mayor and City Commission.

On April 14, 2004, the Administration presented the Mayor and City Commission, a preliminary cost estimate and sought direction as to whether, or not, to pursue the purchase of the Property, and if so, at what price?

Discussion ensued as to whether, or not, Tamron met the threshold criteria in the City's option, of being "a pre-approved and qualified third party", and whether the offer was binding upon Tamron. The Administration deemed that Tamron was not "pre-approved and qualified", based on the fact that the only documentation provided to the City from any lending institution was a "...preliminary commitment letter...presented for discussion purposes..." and not a binding mortgage loan commitment. Moreover, the Administration deemed the offer was not fully binding upon Tamron, since the offer included a thirty (30) day "due diligence" clause that allowed Tamron to terminate the offer without penalty, and without cause, within said 30 day period.

Based on this information, the Administration was directed to pursue the purchase at the option price of \$986,000, or negotiate an acceptable compromise. In a letter to Rosen and Switkes (legal counsel for Gloria Rosenthal) dated April 19, 2004, and in accordance with the directive received, the City exercised its "Option", at the \$986,000 option price, but said offer was rejected, via Ms. Rosenthal's legal counsel, who advised the City that the "Option" period had expired upon their presentation of the Tamron offer to the City, and that the only recourse for the City, was to match the terms and conditions, including the \$1,185,000 price, of the Tamron offer, via the City's "Right of First Refusal".

Attempts at negotiating a compromise price were unsuccessful, and Ms. Rosenthal, through her legal counsel, filed a court action, seeking a Declaratory Judgment, to determine whether or not the City properly exercised its "Option", or whether the Tamron contract was "binding" and whether Tamron was a "pre-approved and qualified" buyer. The hearing for Declaratory Judgment was held, and Judge Peter Lopez, opined that the Tamron offer was "binding", however, the issue of whether Tamron was "pre-approved and qualified", should be set for trial, if the parties could not settle the matter.

The parties continued to negotiate during the litigation process and on October 13, 2004, at a duly noticed and scheduled Executive Session, the City Manager and City Attorney presented to the Mayor and City Commission a final compromise offer, which would also serve to settle the litigation and proceed with the acquisition. The compromise offer, which was approved at said Executive Session, for the purchase price of \$1,080,000, plus

\$30,000 (½ of the full real estate brokerage commission, as negotiated, of \$60,000, and approximately equivalent to 5.5% of the City's purchase price) to compensate the real estate brokers (Tamra Sheffman of Royal Palm Realty and Tony Ulloa of the Keyes Company) associated with the Tamron offer.

The City and the Gloria Rosenthal Trust have agreed to the terms and conditions of the attached Purchase and Sale Agreement, in the total amount of \$1,110,000, (Purchase price of \$1,080,000 and the City's share of the real estate brokerage commission of \$30,000), and is subject to a 35 day "due diligence" period, which allows the City during such time period, to cancel the Agreement, at its sole discretion. During said "due diligence" period, the City, amongst other things, will conduct a Phase 1 environmental audit, and termite, asbestos, and roof inspections, as well as other inspections to determine compliance with current and applicable municipal, county, state and federal regulatory codes.

A draft of the proposed Purchase and Sale Agreement was forwarded to the Seller with the aforesated terms and conditions, including the 35 day "due diligence" period, during which the City anticipates to make a final determination as to the general condition of the building and identify potential environmental issues associated therewith. In the event there are violative conditions found, the City had indicated to the Seller that they should correct said violations, or in the alternative, negotiate adjustments to the purchase price accordingly. The Seller, through its legal counsel, verbally advised the City, that despite the "due diligence" period afforded, that this was intended to be an "as is, where is" transaction, and Seller would not assume the additional costs (or contemplate a reduction in purchase price) for any corrective work that may be required.

If the transaction is closed as expected, upon assuming possession of the Property, it is not anticipated that the City will incur any significant rehabilitation costs. However, based on preliminary inspections of the Property, effectuating corrective action of existing violative conditions may trigger code required upgrades to the building, the costs of which have been preliminarily estimated not to exceed \$100,000. However, notwithstanding this estimated amount, a final cost estimate cannot be determined until conclusion of the City's assessment of the Property, during the due diligence period; at which time the City may, of course, determine whether to proceed with closing or (should final costs estimates be deemed prohibitively high) terminate the transaction. These findings and results of the due diligence can be reported on December 8, 2004 to the City Commission to determine whether to proceed with the transaction.

The Administration recommends that the Mayor and City Commission approve the attached Purchase and Sale Agreement with the Gloria Rosenthal Trust for the purchase of the property located at 1833 Bay Road, Miami Beach, Florida.


JMG:CMC:JD:rlr

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AGREEMENT FOR PURCHASE AND SALE

THIS AGREEMENT, is dated this _____ day of November, 2004, and is entered into by and between the CITY OF MIAMI BEACH, FLORIDA, a municipal corporation organized and existing under the laws of the State of Florida and/or assigns (the "Buyer"), whose address is 1700 Convention Center Drive, Miami Beach, Florida, 33139, and GLORIA ROSENTHAL, TRUSTEE, OF THE GLORIA ROSENTHAL TRUST (the "Seller"), whose address is 1310 Royal Palm Way, Boca Raton, Florida, 33432.

1. **DESCRIPTION OF PROPERTY:**

Seller agrees to sell and Buyer agrees to purchase, under the terms and conditions set forth in this Agreement, all right, title and interest of the Seller in and to the following:

- A. The parcel(s) of real property, located at 1833 Bay Road, Miami Beach, Florida, 33139, consisting of approximately 8,000 square feet of improvements and any improvements situated on such parcel(s), together with any and all easements, covenants and other rights appurtenant to such parcels and owned by Seller, the legal description of which is (hereinafter the "Real Property"):

See Exhibit "A", attached hereto and incorporated herein

- B. Any and all transferable licenses, permits, certificates of occupancy, and other approvals in effect at the Closing Date and necessary for the current use and operation of the Real Property or the Personal Property, as defined below, any and all transferable warranties, architectural or engineering plans and specifications and tests and studies, development rights that exist and are in Seller's possession, as of the Closing Date and relate to the Real or Personal Property.
- C. All furniture, furnishings, fixtures, equipment and other tangible personal property that is affixed to and/or located at the Real Property which is owned by Seller on the Closing Date and used in connection with the management, operation or repair of the Real Property excluding all tangible personal property owned by tenants of the Real Property (collectively "Personal Property");
- D. Intangible Property (collectively "Intangible Property") consisting of (i) any and all Leases and Contracts in effect on the Closing Date; (ii) any and all refundable security deposits and other deposits and interest thereon, if required by law; (iii) any and all transferable licenses, permits, licenses,

certificates of occupancy, and other approval in effect at the Closing Date and necessary for the current use and operation of the Real Property or the Personal Property; and (iv) any and all transferable warranties, architectural or engineering plans and specifications and tests and studies, development rights that exist and are in Seller's possession, as of the Closing Date, and relate to the Real or Personal Property.

- E. Real Property, Personal Property and Intangible Property may sometimes be herein collectively referred to as the "Property"

2. PURCHASE PRICE:

The total purchase price of the Property is \$1,080,000 (U.S.) payable in certified funds or by wire transfer, as follows:

Deposit paid to Bloom and Minsker, P.A. (Escrow Agent), 1110 Brickell Avenue, 7th Floor, Miami, FL 33131, within two (2) days of Effective Date: \$ 1,000

Certified Funds or wire transfer of funds required at closing: \$1,079,000

Total Purchase Price: \$1,080,000

Subject to adjustments and prorations provided for in this Agreement.

The deposits to be paid by Buyer shall be held by Bloom and Minsker, P.A. and shall be refundable to Buyer only as set forth herein. Interest on the deposits to be paid by Buyer shall follow the principal of said deposits. Such deposits, together with the interest accrued thereon, are hereinafter referred to as the "Earnest Money Deposit."

3. ACCEPTANCE:

Until such time as this Agreement has been fully executed by Buyer and Seller, this Agreement shall not be binding.

4. FACSIMILE; EFFECTIVE DATE:

Facsimile copies of this Agreement, signed and initialed in counterpart, shall be considered for all purposes, including delivery, as originals. The Effective Date of this Agreement will be (a) the date when the last one of Buyer and Seller has signed this offer, or (b) if changes in this offer (after signature) have been made and initialed by the parties, the date when the last one of Buyer or Seller has initialed those changes.

5. INSPECTIONS AND CONDITION OF PROPERTY:

- A. Buyer shall have until December 15, 2004 to complete its due diligence inspection of the Property (the "Inspection Period"). Within two (2) business days of the Effective Date, Seller shall make available to Buyer

- (i) a list of all Personal Property;
 - (ii) copies of all management, leasing and service contracts;
 - (iii) Seller's title insurance policy and survey; and
 - (iv) copies of Seller's most recent environmental report applicable to the Real Property.
- B. During the Inspection Period, Buyer may conduct such inspections, at Buyer's sole expense, as Buyer may deem necessary to ascertain the physical condition of the Property. However, Buyer shall arrange for any such inspections by appointment coordinated with the Seller.
- C. In the event the Property is not acceptable to Buyer for any reason whatsoever, in Buyer's sole and absolute discretion, Buyer shall provide written notice of same to Seller, at Seller's address, prior to the expiration of the Inspection Period. In such event, this Agreement shall be terminated and shall be of no further force and effect and Buyer and Seller shall each be released of all obligations hereunder and Buyer shall be refunded the Earnest Money Deposit without further notice. Failure of Buyer to deliver notice to Seller as required herein shall constitute waiver of Buyer's right to give such notice and shall be deemed acceptance of the Property by Buyer in its "as is, where is" condition.
- D. Buyer shall (i) complete its Inspection Period; (ii) not disturb or interfere with the operation, management or use of the Property by Seller, Seller's agents, any tenant of the Property or by any such tenant's customers, invitee or guests; and (iii) not damage or affect the physical structure of the Property. Buyer shall be responsible for any and all losses, damages, charges and other costs associated with such inspections and studies, and Buyer covenants and agrees to return the Property to the same condition as existed prior to such inspections and studies. Buyer agrees not to allow any liens to arise against the Property as a result of such inspections and studies and agrees to indemnify and hold Seller harmless from and against any and all claims, charges, actions, costs, suits, damages, injuries, or other liabilities which arise, either directly or indirectly, from Buyer's or its agent's or employee's entry onto the Property prior to Closing.
- E. Upon 24 hours notice, Buyer may have access to all of the original documents concerning the Property referenced in Paragraph A. of this Paragraph 5, located at the Seller's principal office at 1310 Royal Palm Way, Boca Raton, Florida, 33432.
- F. Buyer acknowledges that Buyer is purchasing the Property in "as is,

where is" condition and Buyer further acknowledges that Seller has made no warranties or representations, express or implied, in respect to the real and personal property except as set forth in Paragraph 9 herein.

6. TERMINATION AFTER INSPECTION PERIOD:

Intentionally Omitted.

7. CLOSING:

- A. The closing for delivery of the deed and payment of the balance of the purchase price shall take place at Buyer's attorney's office, who shall be the closing agent, or at such other place as the parties may mutually agree upon, on or before December 31, 2004, or such other date as the parties may mutually agree upon.
- B. Possession of the Property shall be transferred by Seller to Buyer simultaneously with the closing of title.

8. FINANCING:

This is an all cash transaction.

9. SELLER'S REPRESENTATIONS AND WARRANTIES:

- A. Seller represents and warrants to Buyer that as of the Effective Date, the person executing this Agreement on behalf of Seller is duly authorized to do so, that Seller has full right and authority to enter into this Agreement, and this Agreement constitutes a valid and legally binding obligation of Seller, enforceable against Seller in accordance with its terms.
- B. Seller is a duly organized trust, validly existing and in good standing, and authorized to do business within the State of Florida.
- C. Seller has good, marketable and insurable fee simple title to the Property.
- D. There are no actions, suits, claims, condemnation proceedings, or other matters pending, or, to the Seller's best knowledge and belief, threatened against Seller that could affect Seller's ability to perform its obligations under this Agreement.
- E. All documents and records delivered to Buyer are true and correct, to Seller's best knowledge and belief.
- F. There are no payments for work and/or improvements to the Property which are unpaid or will become due or owing at Closing.
- G. There are no contracts, commitments, etc. concerning the use and/or

operation of the Property, except as disclosed to Buyer or that exist in the ordinary course of business.

- H. There are no existing notices of violation of any Federal, State, County or City statutes, laws, ordinances or regulations with respect to the Property.

10. BUYER'S REPRESENTATIONS AND WARRANTIES:

Buyer represents and warrants to Seller that the following are true, accurate and complete as of the Effective Date:

- A. Buyer is a municipal corporation duly organized and existing under the laws of the State of Florida.
- B. Each of the persons executing this Agreement on behalf of Buyer is duly authorized to do so. Buyer has full right and authority to enter into this Agreement and to complete the transaction contemplated herein and this Agreement constitutes a valid and legally binding obligation of Buyer, enforceable against Buyer in accordance with its terms.
- C. There are no actions, suits, claims or other matters pending, or, to the Buyer's best knowledge and belief, or threatened against Buyer that could affect Buyer's ability to perform its obligations under this Agreement.
- D. Buyer has sufficient funds and worthy credit available to consummate the Closing of the transaction described in this Agreement.

11. LIMITATIONS ON FUTURE LEASES AND RENTALS:

Subsequent to the Effective Date of this Agreement, Seller shall not enter into any leases or contracts.

12. CONDITION OF PROPERTY AT CLOSING:

Seller shall be obligated to maintain the Property in the same condition as of the Effective Date, reasonable wear and tear excepted.

13. CONDITIONS PRECEDENT TO CLOSING:

A. Conditions Precedent for Buyer:

The obligation of Buyer to purchase the Property from Seller under this Agreement is, subject to the satisfaction, at Closing, of each of the following:

- (i) The representations and warranties made by Seller in this Agreement shall be true, accurate and complete in all material respects on and as of the Closing Date with the same force and effect as if such representations and warranties were made on and as of such date.

- (ii) Seller shall have performed all covenants and obligations required by this Agreement to be performed by Seller on or before Closing.
- (iii) Title to the Property shall conform with the requirements of Paragraph 18 herein and Buyer shall have received a written commitment for title insurance, as described in Paragraph 18, indicating that an owner's title insurance policy in accordance with the provisions of Paragraph 18 will be issued after the date of Closing and compliance with any requirements contained therein.
- (iv) Seller shall have furnished a written estoppel letter from the tenants set forth in Paragraph 19 of this Agreement or an affidavit executed by Seller in lieu thereof.
- (v) Seller shall have executed the Settlement Statement and Stipulation of Dismissal (the "Settlement Agreement"), in form and substance satisfactory to Buyer, for the dismissal with prejudice of litigation styled, Gloria Rosenthal Trustee of the Gloria Rosenthal Trust u/a/d 5-19-88, n/k/a Gloria Rosenthal Trust u/a/d 5-19-99, v. City of Miami Beach, Case No. 04-50744 CA 24.

B. Conditions Precedent for Seller:

The obligation of Seller to sell the Property to Buyer under this Agreement is, subject to the satisfaction, at Closing, of each of the following:

- (i) The representations and warranties made by Buyer in this Agreement shall be true, accurate and complete in all material respects on and as of the Closing Date with the same force and effect as if such representations and warranties were made on and as of such date.
- (ii) Buyer shall have performed all covenants and obligations required by this Agreement to be performed by Buyer on or before Closing.
- (iii) Seller shall have executed the Settlement Statement and Stipulation of Dismissal (the "Settlement Agreement"), in form and substance satisfactory to Buyer, for the dismissal with prejudice of litigation styled, Gloria Rosenthal Trustee of the Gloria Rosenthal Trust u/a/d 5-19-88, n/k/a Gloria Rosenthal Trust u/a/d 5-19-99, v. City of Miami Beach, Case No. 04-50744 CA 24.

14. CLOSING; DELIVERIES AT CLOSING:

The closing of the transaction contemplated in this Agreement ("Closing") shall take place on the date set forth in Paragraph 6 of this Agreement.

A. At, or prior to, the time of Closing, Seller shall deliver to Buyer the

following items in form and substance reasonably acceptable to Buyer:

- (i) Statutory Warranty Deed.
- (ii) Bill of Sale with respect to any Personal Property included in the sale.
- (iii) Mechanics' Lien Affidavit.
- (iv) No Lien Affidavit
- (v) Title Affidavit.
- (vi) Assignment of Contracts, if any.
- (vii) FIRPTA Affidavit.
- (viii) Title evidence as set forth in Paragraph 18.
- (ix) A trust resolution and an incumbency certificate to evidence the Seller's capacity and authority to consummate Closing, and if required, true and correct copies of Trust Documents, including all amendments thereto; and a current Certificate of Good Standing;
- (x) A completed IRS Form 1099 S.
- (xi) Evidence of payment of the current tax year's ad valorem real property taxes and personal property taxes.
- (xii) All keys in Seller's possession to all entrance doors to, any equipment and utility rooms located in, and all others locks in, the Property, appropriately marked for identification, and combinations to all safes and combination locks, if any, within the Property.
- (xiii) To the extent in Seller's possession or under Seller's control, all plans and specifications for the building and all other improvements comprising a part of the Property (including, without limitation, for all architectural, structural, mechanical, plumbing and electrical components), including the sepias of all such plans, if any, and operating manuals.
- (xiv) Such other documents as may be reasonably required in order to carry out the purchase and sale.

- B. At the time of closing, Buyer shall deliver or cause to be delivered to Seller the following items in form and substance reasonably acceptable to Seller:
- (i) The earnest Deposit to be credited against Purchase Price.
 - (ii) A Resolution of the Mayor and City Commission authorizing the purchase to evidence Buyer's capacity and authority to consummate Closing.
 - (iii) Acceptance of Assignment of Contracts.
 - (iv) The balance of the Purchase Price and such other funds necessary to pay all Closing and other costs and adjustments to be paid by Buyer under this Agreement (to be delivered by certified funds or wire transfer).
- C. Each party agrees to execute and deliver at Closing a settlement statement setting forth the charges, adjustments and credits to each party and to execute and deliver such other documents and take such actions as either party or the Escrow Agent might reasonably request to consummate the transaction herein contemplated.
- D. At Closing, the Escrow Agent shall (a) disburse all funds, then (b) record, among the appropriate Public Records, all documents to be recorded, and then (c) deliver all original documents and copies thereof, to the appropriate parties.
15. RISK OF LOSS:
Risk of loss prior to Closing shall be borne by Seller.
- A. If between the time of execution of this Agreement and the time of closing, the Property is damaged by fire or other casualty the following shall apply, at Seller's option:
- (i) Upon receipt of applicable insurance proceeds, Seller shall have the obligation to repair or replace the damaged improvements built upon the Real Property in accordance with applicable Federal, State, County or City statutes, laws, ordinances or regulations. If Buyer requires, Seller shall make such repairs or replacements and this Agreement shall continue in full force and effect and the Seller shall be entitled to extend the closing for a reasonable additional period of time so as to enable Seller to complete such repairs or replacements; or
 - (ii) Buyer may notify Seller that Buyer would rather that Seller not

repair or replace any such loss or damage and Seller shall assign all right to and in any and all proceeds received from insurance or in satisfaction of any claims or actions in connection with such loss or damage and upon such assignment Buyer shall close without any purchase price reduction.

- (iii) In the event the cost of repairs is in excess of \$100,000.00 Seller shall have the right to cancel this Agreement in which event, this Agreement shall be deemed canceled and of no further force or effect. Buyer shall be refunded its deposit monies, without further notice, and the parties shall be released and discharged of all claims and obligations hereunder.

B. CONDEMNATION:

In the event that all or any substantial portion of the Real Property is condemned or taken by eminent domain prior to Closing, Buyer may, at its option, either: (i) terminate this Agreement by written notice thereof to Seller within five (5) days after Seller notifies Buyer of the condemnation and receive an immediate refund of the Deposit, and all interest accrued thereon or (ii) proceed to close the transaction contemplated herein pursuant to the terms hereof, in which event Seller shall deliver to Buyer at the Closing any proceeds actually received by Seller attributable to the Real Property from such condemnation or eminent domain proceeding, net of any costs associated with such condemnation or eminent domain proceeding, or an assignment of Seller's rights against the condemning authority, and there shall be no reduction in the purchase price. In the event Buyer fails to timely deliver written notice of termination as described in (i) above, Buyer shall be deemed to have elected to proceed in accordance with (ii) above.

16. EXPENSES OF CLOSING:

A. Seller shall pay the following costs incurred in this sale:

- (i) Seller's attorneys fees and costs;
- (ii) The cost of recording any releases or corrective title instruments; and
- (iii) The costs of delivery of the Evidence of Title, as required in Paragraph 18 herein.

B. Buyer shall pay the following costs incurred in this sale:

- (i) Buyer's attorney's fees and costs;

- (ii) The costs of recording the deed of conveyance;
- (iii) The cost of a certified survey (if Buyer so requires) certified to the benefit of the Buyer and the Title Insurer;
- (iv) Any documentary stamp or transfer taxes, including surtax, imposed in connection with the sale of the Property;
- (v) All Title Insurance Premiums.

17. SPECIAL ASSESSMENTS; PRORATIONS AND CREDITS:

A. Special Assessment Liens.

Certified, confirmed, and ratified special assessment liens as of the Closing Date (and not as of the Effective Date) are to be paid by Seller. Pending liens as of the Closing Date will be assumed by Buyer, provided, however, that when the improvement resulting in the assessment has been substantially completed as of the Effective Date, the pending lien will be considered as certified, confirmed, or ratified and Seller will at Closing be charged an amount equal to the last estimate by the public body, of the assessment for the improvement.

B. Prorations:

Current ad valorem real estate taxes, based on the latest tax bill then available; personal property taxes, rents, maintenance fees and other similar customarily proratable items shall be prorated, without discount, as of the Closing Date with Buyer being responsible for and being credited with those on the day of Closing. All current year's ad valorem real property taxes and all personal property taxes shall be paid by Seller prior to the Closing Date. Seller shall be credited for all rents paid through the Closing Date. Any rents that have accrued, but are unpaid and not past due as of the date of Closing shall not be prorated. Upon collection of such rent by either party, the party collecting such rent shall make the appropriate proration and distribute same within 10 days of receipt. The provisions of the Paragraph are intended to survive Closing.

C. Credits:

Buyer shall be credited with the amount of any prepaid rents paid to Seller by tenants of the Property for periods subsequent to the Closing date and with the amount of any deposits for tenants of the Property, including rental, cleaning, utility, key, damage and other deposits.

D. Buyer shall have the right to satisfy any items that may exist at Closing from the closing proceeds to be paid to Seller.

18. **EVIDENCE OF TITLE:**

Within five (5) days from the Effective Date, Seller shall supply Buyer with copies of Schedules A and B from **[Insert Seller's existing Title Policy information]**, together with hard copies of the exceptions to the title policy and the boundary survey mentioned therein. Within thirty (30) days of Buyer's receipt of the documents described above, Buyer shall, at its own expense, obtain a commitment for an owner's title insurance policy (hereinafter referred to as the "Commitment") written on a title insurance company which is authorized and registered to issue title insurance in the State of Florida (the "Title Company") evidencing that Seller is vested with fee simple, good and marketable title to the Property, free and clear of all liens, encumbrances, exceptions or qualifications whatsoever save and except for (a) those exceptions specified as "Permitted Exceptions" and (b) those exceptions to title which are to be discharged by Seller at or before the closing thereof. Legible copies of all exceptions set forth on the Commitment shall be attached to it. The Commitment shall also evidence that upon the execution, delivery and recordation of the Deed to be delivered pursuant to the provisions of this Contract and the satisfaction of all requirements specified in the Commitment, Buyer shall acquire fee simple, good and marketable title to the Property, subject only to the Permitted Exceptions. Seller shall comply with all reasonable requirements set forth in Buyer's title commitment applicable to Seller (including delivery of a "gap" affidavit in addition to the other documents described in the Commitment) and Buyer shall comply with all requirements set forth in the Commitment applicable to Buyer. If Buyer or its attorneys shall determine the Commitment does not meet the requirements specified above, or that the title to the Property is unmarketable for reasons other than the existence of Permitted Exception or exceptions which are to be discharged by Seller at or before the closing hereof, the Buyer shall notify Seller of that fact in writing within ten (10) days after Buyer's receipt of the Commitment. Such written notice shall specify those liens, encumbrances, exceptions or qualifications to title which are not; (i) Permitted Exceptions; (ii) contemplated by this Contract to be discharged by Seller at or before closing; or (iii) reasonably acceptable to Buyer despite not being either Permitted Exceptions or dischargeable at closing; any such liens, encumbrances, exceptions or qualifications being hereinafter referred to as "Title Defects."

Seller, without any obligation on its part to bring lawsuits or expend more than \$5,000.00 shall have sixty (60) days following its receipt of written notice of the existence of Title Defects in which to cure or eliminate the Title Defects to the satisfaction of the Title Company in such manner as to permit the Title Company to either endorse the Commitment so as to delete the Title Defects therefrom or issue a new Commitment which specifically provides affirmative insurance over or against those Title Defects specified by Buyer, and which otherwise meets the requirements of this Paragraph. If Seller shall in fact cure or eliminate the Title Defects, the Closing shall take place on the date specified in this Agreement, or if such date has passed, within thirty (30) days after the end of said sixty (60) day period.

If Seller is unable to cure or eliminate the Title Defects within the time allowed, or is unwilling to cure any Title Defect because it would require the expenditure of money in excess of \$5,000.00 (in which event the Seller shall immediately provide the Buyer with written notice of that fact and the curative period shall terminate as of the date of said notice), Buyer may elect to terminate this Agreement within thirty (30) days following the expiration of the sixty (60) day curative period (or earlier termination of said curative period) by giving written notice of termination to Seller or, alternatively, Buyer must close its purchase of the Property and accept the conveyance of the Property subject to the Title Defects, in which event the closing shall take place on the date specified in this Agreement without reduction in the Purchase Price, or in the event such date has passed within thirty (30) days after the end of said sixty (60) day period. If, by giving written notice to Seller within the time allowed, Buyer elects to terminate this Agreement because of the existence of uncured title Defects, Buyer shall have as its sole remedy the return of the Earnest Money Deposit and, upon the disbursement thereof to Buyer, this Agreement and all rights and obligations of the parties hereunder shall terminate and be null and void except those which expressly survive termination of this Agreement.

19. TENANT ESTOPPEL LETTERS:

Seller shall deliver to Buyer, prior to Closing, an estoppel certificate (hereinafter the "Estoppel Certificate") signed by each tenant of the Property indicating the amount of rent paid, the date last paid, the amount of security deposits, any prepaid rents, etc. Buyer shall, within five (5) days of the Effective Date, supply such form acceptable to Buyer for Seller's use. In lieu of an estoppel certificate, Seller may supply an Affidavit attesting to the items set forth in the Estoppel Certificate.

20. ASSIGNMENT:

This Agreement may not be assigned to any other buyer without the prior written consent approval of Seller, unless said buyer is qualified, in Seller's sole discretion, said approval not to be unreasonably withheld. Any such assignment shall indicated acceptance of the assignment by the assignee.

21. DEFAULT:

Should Buyer fail to purchase on the date on which title is to close in accordance with this Agreement, or fail to perform any of Buyer's other obligations under this Agreement and such default is not cured within 10 days after written notice to Buyer, Seller may, at Seller's option, cancel this Agreement by written notice to Buyer. In such event, Buyer's deposits and all other sums paid to Seller (including any interest earned thereon) shall be retained by Seller as liquidated and agreed damages for Buyer's default, and this Agreement shall terminate. Seller has removed the Property from the market and has incurred indirect expenses relative to sales, advertising and the like, and Buyer recognizes that no other method could determine the precise damage resulting and retention of all sums then paid as liquidated and agreed damages shall be Seller's sole remedy

in the event of Buyer's default. If this Agreement is so canceled, Seller may sell the Property to any third party as though this Agreement had never been made (without any obligation to account to Buyer for any part of the proceeds of such sale). Buyer agrees not to file any action against Seller seeking the return of any portion of said deposits or seek any reduction in the amount of the liquidated and agreed upon damages if this Agreement is terminated for Buyer's default. Should Seller default under this Agreement or fails to perform any of Seller's other obligations under this Agreement and such default is not cured within 10 days after written notice to Seller, Buyer's sole and exclusive remedy shall be to (i) obtain a refund of all deposits made, whereupon this Agreement shall terminate and neither party shall have any liability to the other, or (ii) bring an action for specific performance, without waiving Buyer's right to damages incurred as a result of Seller's breach.

22. MISCELLANEOUS PROVISIONS:

- A. All written notices and demands provided under this Agreement shall be hand delivered or sent via certified or registered mail, return receipt requested, or by Federal Express or other air carrier service. All notices and demands shall be deemed properly addressed if addressed as follows and if mailed, shall be deemed given upon being deposited in the United States mail, postage prepaid:

For the Buyer: City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

With a copy to: City Attorney
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

For the Seller: Gloria Miller Rosenthal
1310 East Royal Palm Way
Boca Raton, FL 33432

With a copy to: Robert Switkes
Rosen Switkes & Levinson
407 Lincoln Road
Penthouse Southeast
Miami Beach, FL 33139

- B. This Agreement supersedes and any all prior understandings and agreements between Seller, its agents and representatives and Buyer. It is mutually understood and agreed that this Agreement represents the

entire understanding between Buyer and Seller. No representations or inducements made prior to the signing of this Agreement, which are not expressly included in this Agreement or imposed by law, shall be of any force or effect.

- C. Neither this Agreement nor a memorandum thereof shall be recorded in the office of the Clerk in any Circuit Court of the State of Florida, or in any other Public Records of the State of Florida. Any recording of same by Buyer shall be considered a breach of this Agreement.
- D. The acceptance of the deed by Buyer at the Closing of this transaction shall be acknowledgment by Buyer of the full performance by Seller of all of its agreements and responsibilities hereunder, and no performance of any agreement, obligation, responsibility or representation of Seller shall survive the closing of this transaction, except those specifically provided for by statute and those specifically stated in this Agreement to survive the closing.
- E. Time shall be of the essence with regard to performance pursuant to this Agreement.
- F. Any disputes arising in connection with this Agreement shall be settled according to Florida law and venue for any action in connection with this Agreement shall be in Miami-Dade County, Florida. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Florida, both substantive and remedial, without regard to principles of conflict of laws. The exclusive venue for any litigation arising out of this Agreement shall be Miami-Dade County, Florida, if in state court, and the U.S. District Court, Southern District of Florida, if in federal court. BY ENTERING INTO THIS AGREEMENT, DEVELOPER AND OWNER EXPRESSLY WAIVE ANY RIGHTS EITHER PARTY MAY HAVE TO A TRIAL BY JURY OF ANY CIVIL LITIGATION RELATED TO, OR ARISING OUT OF, THIS AGREEMENT AND/OR THE GROUND LEASE.
- G. No modification of this Agreement shall be valid unless in writing and signed by both parties.
- H. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and said counterparts shall constitute but one and the same instrument which may be sufficiently evidenced by one such counterpart.
- I. Should any part, clause, provision or condition of this Agreement be held to be void, invalid or inoperative, the parties agree that such invalidity shall not affect any other part, clause, provision or condition thereof, and that the remainder of this Agreement shall be effective as though such void

part, clause, provision, or condition had not been contained herein.

- J. In the event of any litigation arising from this Agreement the prevailing party shall be entitled to recover attorney's fees and costs incurred therewith.

23. BROKERAGE:

Pursuant to the Settlement Agreement, the parties hereto agree to pay a total commission for the sale of the Property, in the total amount of \$60,000. Neither Buyer nor Seller has utilized the services of or for any other reason owes compensation to, a licensed real estate Broker other than:

- (a) Listing Broker: Tony Ulloa, who is an agent of the Keyes Company and who will be compensated by Buyer and Seller as follows:

Mr. Ulloa will be paid 50% of the total brokerage commission for this transaction, \$60,000; the amount of \$30,000 will be paid equally by Buyer and Seller (\$15,000 paid by Buyer; \$15,000 paid by Seller).

- (b) Cooperating Broker: Tamra Sheffman, who is an agent of Royal Palm Realty and who will be compensated by Buyer and Seller as follows:

Ms. Sheffman will be paid 50% of the total brokerage commission for this transaction, \$60,000; the amount of \$30,000 will be paid equally by Buyer and Seller (\$15,000 paid by Buyer; \$15,000 paid by Seller).

(collectively referred to as "Broker") in connection with any act relating to the Property, including but not limited to inquires, introductions, consultations and negotiations resulting in this transaction.

24. RADON GAS:

Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to person who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county health unit.

25. FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT:

The Foreign Investment in Real Property Tax Act (FIRPTA), IRC 1443, requires that every purchase of U.S. real property must, unless an exemption applies, deduct and withhold from Seller's proceeds ten percent (10%) of the gross sales price. The primary exceptions which might be applicable are: (a) Seller provided Buyer with an affidavit under penalty of perjury, that Seller is not a "foreign

persons,” as defined in FIRPTA, or (b) Seller provides Buyer with a “qualifying statement, “as defined in FIRPTA, issued by the Internal Revenue Service. Seller and Buyer agree to execute and deliver as appropriate, any instrument, affidavit and statement, and to perform any acts reasonably necessary to carry out the provisions of FIRPTA and regulations promulgated thereunder.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates set forth below.

SELLER: Gloria Rosenthal Trust

By: _____ Date _____
Gloria Miller Rosenthal, Trustee

BUYER: City of Miami Beach

By: _____ Date _____
David Dermer, Mayor

ESCROW AGENT:

By: _____ Date _____
Joel Minsker, Escrow Agent

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

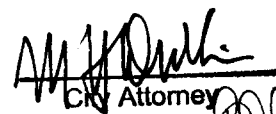
 11-16-04
Attorney Date

Exhibit A

Legal Description

Folio 02-3233-013-0110

Lot 10 Block 13
Alton Beach Realty Company Amended Plat
Plat Book 9 Page 146
OR 16472-1961 0794 5
Official Records of Dade County, Florida

RESOLUTION TO BE SUBMITTED

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: NOVEMBER 10, 2004

**TO: MAYOR DAVID DERMER
MEMBERS OF THE CITY COMMISSION AND
CITY MANAGER JORGE GONZALEZ**

FROM: MURRAY H. DUBBIN *[Signature]*
CITY ATTORNEY

**SUBJECT: CITY RESOLUTION ACCEPTING RESULTS OF THE NOVEMBER 2, 2004
SPECIAL ELECTION AND DECLARING ELECTION RESULTS**

Attached hereto is a Resolution adopting the Certificates of the Results of the November 2, 2004 Miami Beach Special Election for the City of Miami Beach, and declaring election results. The passage of this Resolution effectively concludes acceptance of election returns for the City of Miami Beach's November 2, 2004 Special Election.

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1700 Convention Center Drive -- Fourth Floor -- Miami Be

Agenda Item R7I
Date 11-10-04

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE
CERTIFICATES OF THE RESULTS OF THE NOVEMBER 2, 2004
SPECIAL ELECTION FOR THE CITY OF MIAMI BEACH, AND
DECLARING RESULTS THEREOF.**

WHEREAS, on November 2, 2004, Miami-Dade County conducted the Presidential General Election, at which time the City of Miami Beach's Special Election was held presenting three advisory, non-binding straw ballot questions to City voters; and

WHEREAS, on August 30, 2004, City of Miami Beach Resolution No. 2004-25663 was adopted, authorizing the Miami-Dade County Canvassing Board to serve as Canvassing Board for the City of Miami Beach's November 2, 2004 Special Election; and

WHEREAS, the certification of the results of the City of Miami Beach's November 2, 2004 Special Election, as certified by the Miami-Dade County Canvassing Board, has been received and is attached hereto as Exhibit "A" and is incorporated herein; and

WHEREAS, said Certification reflects that:

Straw Ballot Question No. 1 as set forth below was approved by the electorate of the City of Miami Beach;
Straw Ballot Question No. 2 as set forth below was approved by the electorate of the City of Miami Beach; and
Straw Ballot Question No. 3 as set forth below was approved by the electorate of the City of Miami Beach.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that having canvassed the returns of the November 2, 2004 Special Election of the City of Miami Beach, it hereby adopts the Miami-Dade Canvassing Board's certificates as to the results of said Special Election and it is hereby ordered that the Certificates of Election and this Resolution be recorded in the minutes of this meeting as a permanent record of the results of said election; and be it further resolved that as a result of the City of Miami Beach November 2, 2004 Special Election, the votes upon the three advisory, non-binding straw ballot questions presented reflect the following results:

Straw Ballot Question No. 1:

ADVISORY, NON-BINDING STRAW BALLOT QUESTION – BAY LINK STREETCAR RAIL SYSTEM

SHOULD MIAMI BEACH APPROVE THE CONSTRUCTION OF AN ELECTRICALLY OPERATED STREETCAR TRANSPORTATION SYSTEM COMMONLY KNOWN AS “BAY LINK”, RUNNING ON TRACKS AND CONNECTING A LOOP AROUND DOWNTOWN MIAMI TO A LOOP AROUND SOUTH BEACH VIA A DEDICATED LANE ADDED TO THE MACARTHUR CAUSEWAY, PROVIDED THAT NO CONCURRENCY OR DEVELOPMENT CREDITS ARE GRANTED BY MIAMI BEACH FOR THE TRANSPORTATION SYSTEM AND PROVIDED FURTHER THAT ALL CONSTRUCTION COSTS ARE PAID ENTIRELY FROM FEDERAL, STATE, AND COUNTY FUNDS?

13,718 YES

11,456 NO

Straw Ballot Question No. 2:

ADVISORY, NON-BINDING STRAW BALLOT QUESTION – 63RD STREET FLYOVER

SHOULD THE FLYOVER AT THE INTERSECTION OF 63RD STREET AND INDIAN CREEK BE PRESERVED (NOT DEMOLISHED)?

17,135 YES

6,776 NO

Straw Ballot Question No. 3:

ADVISORY, NON-BINDING STRAW BALLOT QUESTION – ANNUAL LIMIT ON LARGE PROJECTS

SHOULD THE MIAMI BEACH COMPREHENSIVE PLAN BE AMENDED TO ESTABLISH ANNUAL LIMITS WHERE APPROPRIATE ON THE CONSTRUCTION OF NEW BUILDINGS THAT ARE LARGER THAN 50,000 SQUARE FEET?

17,314 YES

6,791 NO

BE IT FURTHER RESOLVED AND DETERMINED that Straw Ballot Question No. 1 was approved, Straw Ballot Question No. 2 was approved; and Straw Ballot Question No. 3 was approved.

PASSED and **ADOPTED** this 10th day of November, 2004.

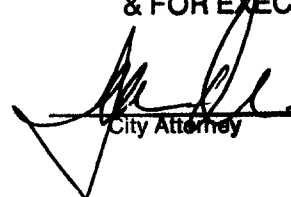
ATTEST:

MAYOR

CITY CLERK

JKOved
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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

11-3-04

Date

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms Pursuant To Request For Qualifications (RFQ) No. 39-03/04, The South Pointe Park Improvement Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Hargreaves Associates, And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm; Authorizing The Administration To Negotiate With The Second-Ranked Firm Of The RMPK Group, And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm; Authorizing The Administration To Negotiate An Agreement With The Third-Ranked Firm Of Calvin, Giordano & Associates.

Issue:

Shall the City Commission adopt the resolution?

Item Summary/Recommendation:

The South Pointe Park Project will be divided in phases with Phase I to include but not be limited to the initial planning, preliminary design and landscape architectural services in an effort to be able to submit a Basis of Design Report (BODR) within the 12 month timeframe set forth in the City's settlement agreement with the Developer, which would be due by July 28, 2005. The successful Consultant will also undertake original planning and design analysis and hold additional community workshops to identify all potential improvements and determine those to be implemented. The project's estimated budget is \$10 million. As a result of the recent passage of the official Miami-Dade County G.O. Bond, the confirmed budget is \$10 million, including \$5 million from said G.O. Bond Program.

On October 29, 2004, an Evaluation Committee (the "Committee") appointed by the City Manager convened and listened to presentations from six (6) firms and participated in question and answer sessions with each firm. The Committee deliberated and articulated their individual ranking of firms based on the criteria set forth in the RFQ. The results were recorded as follows:

Hargreaves Associates - Ranked 1st

The RMPK Group - Ranked 2nd

Calvin, Giordano & Associates - Ranked 3rd

The City Manager exercised his due diligence and reviewed the proposals submitted by Hargreaves Associates and the RMPK Group, as well as copies of their respective presentations, and the videotape recording of their respective presentations to the Committee. It was evident from the documentation reviewed that both firms are equally competent and qualified to perform the services required for this project. Recognizing that both firms are very capable of providing the needed services and the importance of this project to the citizens of Miami Beach, the City Manager has invited both firms to provide the City Commission with a 10-minute presentation, so that the City Commission may have the opportunity to decide which firm is the most qualified for this project.

Advisory Board Recommendation:

N/A

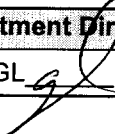
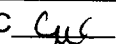
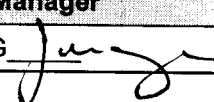
Financial Information:

Source of Funds:		Amount	Account	Approved
	1			
	2			
Finance Dept.	Total			

City Clerk's Office Legislative Tracking:

Gus Lopez

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL 	CMC 	JMG 

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF FIRMS PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 39-03/04, FOR ARCHITECTURE, LANDSCAPE ARCHITECTURE, ENGINEERING, AND CONSTRUCTION ADMINISTRATION SERVICES NEEDED TO COMPLETE THE PLANNING, CONSTRUCTION DESIGN, AND CONSTRUCTION OF THE SOUTH POINTE PARK IMPROVEMENT PROJECT; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM OF HARGREAVES ASSOCIATES, AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE TOP-RANKED FIRM; AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE SECOND-RANKED FIRM OF THE RMPK GROUP, AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE SECOND-RANKED FIRM; AUTHORIZING THE ADMINISTRATION TO NEGOTIATE AN AGREEMENT WITH THE THIRD-RANKED FIRM OF CALVIN, GIORDANO & ASSOCIATES.**

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The South Pointe Park Project will be divided in phases with Phase I to include but not be limited to the initial planning, preliminary design and landscape architectural services in an effort to be able to submit a Basis of Design Report (BODR) within the 12 month timeframe set forth in the City's settlement agreement with the Developer, which would be due by July 28, 2005. The successful Consultant will also undertake original planning and design analysis and hold additional community workshops to identify all potential improvements and determine those to be implemented.

The additional phases may include the following:

Planning, urban design, architecture, landscape architecture, and engineering services required to identify, design, and construct comprehensive improvements to the City of Miami Beach's South Pointe Park. Anticipated improvements include landscaping, irrigation, recreational areas, public art, walkways, rest rooms, signage, support structures, parking, lighting, seawall improvements, bay walk, water features, natural/historic/maritime information interpretive features, and concession areas and appropriate accessory park commercial uses and any other Park elements or public facilities determined to be required or desired by the City during the planning process.

It is envisioned that the selected Consultant will collaborate with an artist to be reflected in an effort to identify artistic improvements that are interactive and a significant component of this project. The Consultant's design concepts shall respond to and include natural beauty of South Pointe Park's setting.

In identifying Park improvements, the selected Consultant will consider improvements described in the 1995 "City of Miami Beach Parks Master Plan" and those identified in community workshops previously held by the City on the Project. An optimal master plan of improvements shall be identified in a Basis of Design Report. Corresponding construction designs will then be developed and implemented. A preliminary master plan of desired improvements may also be required.

The Park boundary shall include any or all of a substantial portion of the adjacent "Alaska parcel" property, consisting of approximately 2 + acres of marine recreational land and the unifying Washington Avenue Extension that connects the park to the Alaska Parcel. The scope of the Park and marine recreational improvements may include any of the above-identified improvements on this additional area. Required professional services will include any urban design services needed to successfully integrate this additional park area into the existing Park, to establish optimal pedestrian connections both within the Park and between the Park and the surrounding area, and to design Park and marine recreational improvements in a manner that creates an optimal relationship between said improvements and the surrounding urban fabric including built structures, open space, view corridors, roadways, and pedestrian ways.

The final design shall create consistent design connections to the variety of amenities in the neighborhood and create logical interaction for the neighborhood.

The project's estimated budget is \$10 million. As a result of the recent passage of the official Miami-Dade County G.O. Bond, the confirmed budget is \$10 million, including \$5 million from said G.O. Bond Program.

RFQ No. 39-03/04 was issued on September 20, 2004 with an opening date of October 14, 2004. A pre-proposal conference to provide information to firms considering submitting a response was held on October 1, 2004. BidNet issued bid notices to 30 prospective proposers, resulting in 25 proposers requesting RFQ packages, which resulted in the receipt of the following six (6) proposals:

- **Calvin, Giordano & Associates**
In association with:
Gustafson Guthrie Nichol Ltd and
OPPENheim architecture+design
- **EDAW INC**
In association with:
Michael Graves & Associates;
Milian Swain & Associates, Inc.; and
Coastal Systems International Inc.
- **HARGREAVES ASSOCIATES**
In association with:
Mack Scogin Merrill Elam;
Savino Miller;
Langan Engineering;
Principle Design & Development;
Marguerite Ramos;
Joseph R. Abel;
Scheda Ecological Associates;
David Plummer & Associates;
ESI Design;
D.E.W.; and
LAM
- **Pressley Associates, Inc.**
Landscape architects with:
Camp Dresser McKee, Inc. and
Leiter, Perez & Associates, Inc.
- **The RMPK Group**
Comprised of:
The RMPK Group;
ConsulTech Engineering;
Margie Ruddick Landscape;
Michael Singer; and
Glavovic Studios.
- **Wallace Roberts & Todd, LLC**
In association with:
Arquitectonica;
Curtis and Rogers Design Studio, Inc.;
Milian & Swain Associates;
TLC Engineering for Architecture; and
San Martin Associates.

The City Manager via Letter to Commission (LTC) No. 125-2004, appointed an Evaluation Committee ("the Committee") consisting of the following individuals:

- Blair, Jerry - Committee Chairman
- Brigham, Erika - Miami Beach Housing Authority Chairperson
- Covian, Juan - South Pointe Property Owner
- Forgette, Arthur - Manager, Smith and Wollensky Restaurant
- Guttierrez, Betty - Miami Beach Housing Authority Chairperson
- Magrisso, Julio - Assistant Director-Parks, Parks and Recreation
- Mooney, Thomas - Preservation and Design Manager, Planning Department
- Remington, Ruth - South Pointe Property Owner, and President of Murano at Portofino
- Shockey, Donald - Senior Capital Project Planner, Capital Improvements Program

On October 29, 2004, the Committee convened. Committee member Juan Covian was not able to be present at this meeting due to prior scheduled commitment. The Committee was provided with a project overview by Jorge Gomez, Planning Director. Additionally, the Committee reviewed references secured by the Procurement staff, and discussed the following RFQ evaluation criteria and weighted score, which was used to evaluate and rank the respondents:

- The experience, qualifications and (portfolio) of the Principal (15 points)
- The experience, qualifications and (portfolio) of the Project Manager (20 points)
- The experience and qualifications of the professional personnel assigned to the Project Team (10 points)
- Willingness to meet time and budget requirements as demonstrated by past performance (5 points)
- Certified minority business enterprise participation. Either the Prime Consultant or the sub-Consultant team may qualify for proof of certification for minority business enterprise participation. Accepted minority business enterprise certifications include the Small Business Administration (SBA), State of Florida, or Miami-Dade County (5points).
- Location (5 points)
- Recent, current, and projected workloads of the firms (5 points).
- The volume of work previously awarded to each firm by the City (5 points).
- Project Implementation Strategy to comply/meet with the expedited timeframe described in this RFQ and demonstrated successful similar projects (15 points)
- Demonstrated success in leading active collaborative stakeholder processes to achieve consensus on program and design in similar size and scope projects based on budget and size (15 points)

After the firms' presentations, the Committee members deliberated and articulated their individual ranking of firm based on the criteria set forth in the RFQ. The results were recorded as follows:

NAMES	FIRMS					
	<u>Calvin, Giordano</u>	<u>EDAW, Inc</u>	<u>Hargreaves</u>	<u>Pressley</u>	<u>RMPK</u>	<u>Wallace</u>
BLAIR	92(4)	95(2)	92(4)	90(6)	98(1)	93(3)
BRIGHAM	89(3)	86(4)	100(1)	75(6)	94(2)	77(5)
FORGETTE	82(4)	79(6)	87(1)	85(2)	85(2)	81(5)
GUTTIERREZ	98(2)	94(4)	100(1)	94(4)	97(3)	94(4)
MAGRISSE	87(6)	92(3)	95(2)	88(5)	92(3)	96(1)
MOONEY	66(5)	84(2)	96(1)	57(6)	82(3)	78(4)
REMINGTON	93(1)	77(4)	88(2)	75(5)	82(3)	71(6)
SHOCKEY	90(3)	85(5)	95(1)	93(2)	90(3)	85(5)

As per Section 287.055, Florida Statutes, known as the Consultants' Competitive Negotiation Act (CCNA), the Committee ranked the top three firms as follows:

Hargreaves Associates

5-1st place votes = 5x1= 5
2- 2nd place votes = 2x2= 4
1- 4th place votes = 1x4= 4

TOTAL = 13 = Ranked 1st

The RMPK Group

1-1st place votes = 1x1=1
2-2nd place votes = 2x2=4
6-3rd place votes = 6x3=18

TOTAL = 23 = Ranked 2nd

Calvin, Giordano & Associates

1-1st place votes = 1x1=1
1-2nd place votes = 1x2=2
2-3rd place votes = 2x3=6
2-4th place votes = 2x4=8
1-5th place votes = 1x5=5
1-6th place votes = 1x6=6

TOTAL = 28 = Ranked 3rd

Relevant information regarding Hargreaves and RMPK is attached as Attachment “A” and “B” respectively.

CITY MANAGER REVIEW

The City Manager exercised his due diligence and reviewed the proposals submitted by Hargreaves Associates and the RMPK Group, as well as copies of their respective presentations, and the videotape recording of their respective presentations to the Committee. It was evident from the documentation reviewed that both firms are equally competent and qualified to perform the services required for this project. As we have done in the past, while the City Manager's recommends Hargreaves Associates as the top ranked firm, the City Manager also recognizes that both firms are very capable of providing the needed services and the importance of this project to the citizens of Miami Beach. Therefore, we have invited both firms to provide the City Commission with a 10-minute presentation, so that the City Commission may have the opportunity to draw its own conclusion.

Upon selection of the top ranked firm by the City Commission, the Administration will initiate negotiations with the selected consulting firm and concurrently engage in discussions with the Developer, the Related Group, to determine the feasibility of capitalizing on the Developer's prior offer to fund the preliminary design effort, at no cost to the City. The selected consultant, while hired by the Developer, would work at the direction of the City, and would develop design schematics, perform the necessary Community Design Workshops and complete Phase I of the planning process within the specified expedited timeframe, culminating in a BODR to be submitted for City Commission approval prior to July 28, 2005.

CONCLUSION

The Administration's recommendation is that the City Commission adopt the attached Resolution, which accepts the recommendation of the City Manager pertaining to the ranking of proposals received pursuant to Request for Qualifications (RFQ) No. 39-03/04, for architectural, engineering, design and construction of the South Pointe Park Improvement Project; authorizes the Administration to enter into negotiations with the top ranked firm of Hargreaves Associates, and should the Administration not be able to successfully negotiate an agreement with Hargreaves Associates; authorizes the Administration to enter into negotiations with the second ranked firm of The RMPK Group, and should the Administration not be able to successfully negotiate an agreement with The RMPK Group, authorizes the Administration to enter into negotiations with the third ranked firm of Calvin, Giordano & Associates.

T:\AGENDA\2004\Nov1004\Regular\RFQ39-03-04SouthPointeParkCommissionMemo.doc

ATTACHMENT “A”

HARGREAVES ASSOCIATES

**HARGREAVES
ASSOCIATES**

SAN FRANCISCO
CAMBRIDGE
NEW YORK

October 14th, 2004

118 MAGAZINE STREET
CAMBRIDGE, MA 02139

617 661 0070 T
617 661 0064 F

HARGREAVES.COM

Mr. Gus Lopez

City of Miami Beach, City Hall
Procurement Division - Third floor
1700 Convention Center Drive
Miami Beach, Florida 33139

**Re: Response to Request for Qualifications for
Planning, design and construction of the South Pointe Park improvement project**

HA Project #: **SSP 04PM**

Dear Mr. Lopez

GEORGE HARGREAVES
MARY MARGARET JONES

GLENN ALLEN
GAVIN MCMILLAN
KIRT RIEDER
TIM ANDERSON
CATHERINE MILLER

KEN HAINES
CAROLYN RODKIN
JACOB PETERSEN
MARCEL WILSON

Hargreaves Associates is pleased to submit our qualifications for the planning and construction of South Pointe Park project. We have assembled a strong team that capitalizes on the experience and expertise that Hargreaves Associates brings to this process. This project represents a significant opportunity to be part of a highly important developing district and to create a vibrant and successful urban space for the City of Miami Beach and the adjacent neighborhoods. We are excited by the prospect of being involved in this transformation.

While Hargreaves Associates' work spans the full spectrum of the profession, we have forged a particular niche as the lead designer in the planning & design of urban parks and waterfronts. Our extensive project experience has addressed many issues similar to those of South Pointe Park and the surrounding areas face —reconnection of the people to the water edge, creation of an inviting recreation space, working with natural resources amidst urban centers, and fostering real economic development opportunities. We have found this juncture to be fertile ground for the creation of compelling and successful places beyond simply "connecting the dots" of existing fragments.

We have carefully composed our team to reflect the needs of the project and to take advantage of the strong existing working relationships between team members. We are pleased to be teaming with Scogin Elam Architects, the renowned Atlanta based architectural firm, whose design expertise has gained recognition and has won them many awards. We are also pleased to be joining with Savino Miller whose local expertise will prove invaluable to the project. We are particularly pleased to be working again with Langan Engineering. Our team is confident that we bring the necessary strengths of vision, practicality, local understanding and technical know-how to your project.

As you will see in our submittal, Hargreaves Associates and our team has successfully completed numerous large scale and complex riverfront, waterfront and museum projects throughout the nation, ranging from \$10 million to well over \$125 million in cost. Most notably, our waterfront park Crissy Field in San Francisco, was recently awarded an Honor Award by the American Society of Landscape Architects. The Golden Gate National Park's Superintendent stated: *"Crissy Field's restoration is the largest waterfront project the National Park Service has ever undertaken. We take immense pride in this wonderful transformation. It will be one of the most marvelous waterfront areas in the world."* Our experience on the Louisville Waterfront Park, recently profiled in *Landscape Architecture Magazine*, prompted the author to write: *"Hargreaves Associates has redefined the American park to heal an urban waterfront and help the people of Louisville regain their river."*

**HARGREAVES
ASSOCIATES**

SAN FRANCISCO
CAMBRIDGE
NEW YORK

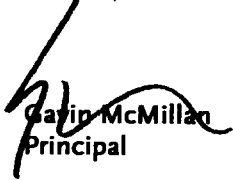
We look forward to the opportunity of working with the City of Miami Beach, the local communities, and user-groups to address your specific needs and dreams for South Pointe Park, and to helping you develop an exciting, dynamic and prosperous riverfront park.

118 MAGAZINE STREET
CAMBRIDGE, MA 02139

617 661 0070 T
617 661 0064 F

HARGREAVES.COM

Sincerely,


Gavin McMillan
Principal


George Hargreaves
Principal

cc: File

101104_CoverLetter.Doc

GEORGE HARGREAVES
MARY MARGARET JONES

GLENN ALLEN
GAVIN MCMILLAN
KIRT RIEDER
TIM ANDERSON
CATHERINE MILLER

KEN HAINES
CAROLYN RODKIN
JACOB PETERSEN
MARCEL WILSON

CITY OF MIAMI BEACH



Hargreaves Associates, Prime
Landscape Architecture

Gavin McMillan, Project Manager/Principal-in-Charge
George Hargreaves, Design Director, Senior Principal
Karen Tamir, Job Captain/Senior Staff

PHASE I

Mack Scogin Merrill Elam
Architects
Architecture
Mack Scogin
Merrill Elam

Savino Miller *
*Licensed Local Landscape
Architecture*
Barry R. Miller
Adriana Savino-Miller

Langan Engineering
Civil & Geotech Engineering
Edward F. Koehler, P.E.
Roger A. Archabal, P.E.

Principle Design & Dev
*Coastal, Marine, & Structural
Engineering*
George A. Tibedo
George F. Turk

Margueritte Ramos
Public & Community Relations

Joseph R. Abel
*Park Operations &
Management*

PHASE II

Scheda Ecological Associates*
Environmental & Acological
Wendy Sotera

David Plummer & Associates
Traffic Engineering
David S. Plummer
Timothy J. Plummer

ESI Design
*Informational & Interpretational
Feature Design*
Edwin Schlossberg
John Branigan

LAM
Lighting Design
Keith Yancey

D.E.W.
Fountain Design
Dan Euser

* Small Business, MBE, WBE

THE FIRM

Hargreaves Associates is a professional consulting firm comprised of landscape architects and planners with offices in San Francisco, California, Cambridge, Massachusetts, and New York City. The firm is a California corporation employing seven principals, four senior associates, eight associates, and thirty five other full-time professionals. The work includes a wide range of urban design, waterfronts, public parks, academic, corporate, institutional, and residential planning and design projects.

Since its founding in 1983, the firm has developed particular expertise in two areas: reclamation of neglected or abandoned sites for public occupation, often on waterfronts or in urban cores; and campus master planning and open space design. In all projects the firm's work centers on planning and design that is specific to a site including its historical context, its natural processes and the uses aspired to for that site. The firm's work embodies a commitment to 'civic' vitality and creative solutions that meld cultural desires, functional needs and site.

The firm's organization centers on projects. The principals and associates assigned to a project remain committed throughout that project's life. Hargreaves Associates' projects encompass a wide range of scales and locations, both national and international. Several significant projects include: participation on the winning team for the **World Trade Center Site Competition** in New York City; the **Olympics 2000** in Sydney, Australia; the **Native American Museum** in Oklahoma City; the **Louisville Waterfront Park** in Louisville, Kentucky; **University Commons** and **Campus Green** at the University of Cincinnati in Cincinnati, Ohio; **Guadalupe River Park** in San Jose, California; **Crispy Field** in San Francisco; **Grant Park Framework Plan** in Chicago, Illinois; and currently in construction the **William J. Clinton Presidential Center** in Little Rock, Arkansas; **General Motors Global Headquarters Riverfront Promenade and Plaza** in Detroit, Michigan; and **Chattanooga 21st Century Waterfront Park** in Chattanooga, Tennessee.

Recent commissions include **South Lake Union Park** and **Brightwater Wastewater Treatment Facility**, both in Seattle, Washington; **Trinity River Park** and a **Downtown Parks Plan** in Dallas, Texas; **County Administration Center Waterfront Park** in San Diego, California; the **American University, Charles Hostler Student Recreation Center** in Beirut, Lebanon; **Drexel University Master Plan and Open Spaces** in Philadelphia, Pennsylvania; **Davenport and Rock Island Rivervision Plan** in Illinois and Iowa; **Duke University Student Plaza** in Durham, North Carolina; **Pena Boulevard Master Plan** at the Denver International Airport in Colorado; **Millennium Point** in New York City; **2200 M Street** in Washington, DC; and **Arts Block** in Baton Rouge, Louisiana. The implementation of work in such diverse locations is enabled both by travel and by digital transfer of drawing and image files, which is a routine component of the firm's practice.

The firm's 15 years of work on the **University of Cincinnati Master Plan** continues with the publication of its third edition, and the construction of a new central space: Main Street.

Hargreaves Associates combines the skills of landscape architecture, planning, and urban design with related disciplines to create memorable environments. The work is characterized by a philosophy of strong, simple design that responds in innovative ways to the unique set of forces exerted upon each site from both cultural and environmental processes. This design philosophy is integrated with a clear understanding of costs, current construction techniques, and scheduling, with an all-important emphasis on the clients' needs and goals.

DESIGN PHILOSOPHY

Hargreaves Associates has at its core a single overriding concern: *connection*— connection between culture and the environment, connection between the land and its people. Civilizations have long sought dominance over the landscape, pursuing agrarian and industrial wealth. In reaction, the last twenty-five years have brought about the emergence of an ecological approach to planning, the preservation and restoration of natural systems, and the notion of sustainable landscape. Our own built landscapes eschew these polarized approaches to the land — one potentially damaging to the balance of natural systems, the other blind to culture and remote from people's lives — seeking the in-between. Our work acknowledges the simple truth that "made" landscapes can never be natural. With increasing frequency our work deals with land which has been made and *re-made*.

These projects reach toward real, visceral connections in an everyday environment. The scales of projects vary, from miles of urban riverway and hundreds of acres of waterfront or converted landfill at one end of the spectrum, to a single city block or small courtyard at the other. Through manipulation and amplification of environmental phenomena such as light, shadow, water, wind; residual environmental and industrial remnants; and topography and habitat, we strive to foster an awareness and understanding of the structural components of natural systems by direct interaction. This direct interaction is in contrast to the insular experience of a replication or restoration of "nature." In this way the experience of these built landscapes may indeed be more real in their impact on people than landscapes of preservation or re-creation.

In other instances, these landscapes may accentuate past, present and future fusions of culture and environment. At many different scales, an abstract *archaeology* surfaces to embrace fragments of previous human use such as those *unearthed* on an abandoned

industrial or agrarian site now converted to public use. This archaeology may also reveal elements of wilderness or pre-cultural dominance, or even the very forces which shape the earth. Without erasure, beyond recall, and outside the walls of the museum our connection with the land and landscape is exposed as the knotted bond it has been and will always be. Whether reductive or rich, highly programmed or passive, culturally interpretive or teeming with the phenomena of nature's own systems, these built landscapes seek the power of connection to our day-to-day lives.

Firm Profile

Mack Scogin and Merrill Elam, the two principals of Mack Scogin Merrill Elam Architects, Inc. have worked together in architecture for over thirty years. The firm, founded in 1984 as Parker and Scogin, later as Scogin Elam and Bray, was formed in order to take full advantage of the complimentary skills and talents of the two principals. Mack Scogin and Merrill Elam have made the commitment to organize all of the work in a manner that ensures their involvement in the day-to-day development of each project. This keeps the work personal and directed, and brings the best of the firm's collective knowledge and experience to each client.

The firm's present staff totals twenty-five. All technical staff members are architects or intern architects and work in a full collaboration with the principals.

Projects realized by the firm are diverse in size, type and location. The principals have extensive experience in the formation and leadership of multi-disciplined project teams. They bring the understanding of large projects and organizations to their personal practice in architecture. Prior to founding Mack Scogin Merrill Elam Architects, the principals worked together initially at Heery and Heery Architects, in Atlanta, a large, multi-disciplinary architectural and construction management firm. While executing design and management work for project types ranging from airports and hospitals to corporate and industrial campuses, the principals gained extensive experience in the techniques of controlling the time, cost and project delivery processes for complex and demanding projects.

It is this experience combined with an unyielding commitment to meeting the needs of clients with an architecture that is of the present-day that most distinguishes the firm's work.

The firm's clients expect innovative design with a mature approach to the practical constraints of architecture. They have an innate desire for architecture that goes beyond mere problem solving to architecture that addresses their curiosity surrounding the role of architecture in society.

In addition to architecture, services offered by Mack Scogin Merrill Elam Architects include graphic design, exhibit design, interior design, planning, programming, and research.

Philosophy

There are a few important things we are certain we have learned in our experiences in architecture.

We travel well and find the discovering of new places invigorating. We have heavy overcoats and galoshes and we are fond of tulips. Place has everything to do with the character and outcome of a project.

We enjoy genuine, ongoing, in-depth, mutually satisfying exchanges with our clients. There is nothing more rewarding than a pat on the back from a client and agreement that we have all done well.

We work hard and long on every project and have the experience and maturity that leads to solid decision making.

Solving programmatic and functional requirements is fundamental to our thought process. Sound planning is basic. Transcending the basics, touching on the extraordinary, allowing the idea of the artful to enter the process, weighing the specific against the generic, pushing the edges, relishing the challenge of "now" conditions, recognizing cultural forces and influences, and searching for the broader meanings in architecture are the phenomena of architecture that continue to fascinate us. While our work reflects these interests and may appear extreme, the spaces of our projects are paradoxically peaceful.

Finally, the common ground, the essential reason that a client and an architect should join forces is simply this: that they share common values and respect each other. Authenticity and quality, originality, intelligence and the search, fairness and a good debate, and excellence in architecture are among other things we value.

MS / ME



milller

LANDSCAPE ARCHITECTURE | URBAN DESIGN | ARCHITECTURE

SAVINO & MILLER DESIGN STUDIO provides professional consulting services in the fields of Landscape Architecture, Architecture, Urban Design, and Planning. Our work is based on our multi-disciplinary experience and collaborative approach to design of the built/spatial environment. Our professional design experience includes urban design, streetscape design, community planning, residential, commercial, site planning, hotel/resort design, and park design.

Savino & Miller Design Studio was founded in 1990 by Adriana Savino and Barry Miller, with offices in Miami Beach, Florida. Together they share over thirty years of project management experience, working in both public and private development sectors. Through our work, we enrich and enliven the user experience in the built/spatial environment. Each project is a process of discovery: through understanding of site and exploring ways to meaningfully engage the design program and user with the space and its surrounds. Our design process hinges on the conversation with our clients which leads to a creative exploration of ideas. Through this conversation, our projects merge function/program with the kinetic and potential essence of site. We bring to each design a sense of ecological stewardship, a clear understanding of the pragmatic, and imagination.

Landscape Architecture

Savino & Miller Design Studio integrated approach is responsive to the ecology of the site, program needs, architectural features and budget aspects of the project. We believe that good design considers and respects local context and use patterns, is ecologically sound, brings people together, and fosters a greater awareness of place. Careful attention to detail helps to engender a sense of place and create a unique experience. We put special emphasis in the selection and design of paving treatments, site furniture, lighting, water features and planting, that expresses the unique qualities of the site and proposed use.

Urban Design

Creative urban interventions combining our professional experience, knowledge and sensitivity toward the linkage of landscape, architecture and social use/patterns in order to integrate and enhance the spatial infrastructure of a city, neighborhood or development site.

Architecture

Our goal is to create an integrated balance of built and open space, to improve and preserve the scale and character of each site. We provide our clients with creative buildings and spatial solutions that respect and enhance the existing urban fabric and relevant structure, while providing a contemporary response to the building's design program.

LANGAN CORPORATE PROFILE

Langan Engineering and Environmental Services, Inc. (Langan) is a professional consulting firm providing multi-discipline environmental, geotechnical and site/civil engineering solutions for both public and private sector clients at sites located throughout the United States and abroad from our offices in Miami, FL; Elmwood Park, NJ; Trenton, NJ; Doylestown, PA; Philadelphia, PA; New York, NY; New Haven, CT; and Las Vegas, NV. Langan, founded in 1970, is in its 34th year of professional practice.

Langan's 34-year history of providing integrated engineering and environmental services is founded on unparalleled commitment to our clients, serving as a consultant, as an advocate, and as an extension of our client's organization. Langan's corporate culture is one of its best attributes. Our corporate culture allows project managers to provide the best professional engineering and environmental services to our clients. Technical Excellence, Practical Experience and Client Responsiveness are three attributes that serve as the cornerstones of Langan's corporate culture.

Langan has been practicing geotechnical engineering in South Florida since 1974, designing the foundations of some of the tallest buildings and most challenging projects in the area. Projects within the vicinity of South Pointe Park include the Continuum on South Beach, The Loews Miami Hotel & Convention Center, The Royal Palm Crowne Plaza, Bentley Bay Towers and Bulkhead, The Grand Flamingo and Bentley Bay Beach Condominiums. Our innovative foundation designs have saved our clients millions of dollars in construction costs and earned us numerous awards from national engineering organizations.

Langan has been involved in Phase I and Phase II Environmental Site Assessments in Florida since 1987. Langan has undertaken many complex and extensive projects for both private and public sectors. Public agencies for which Langan has performed Environmental Assessment services include, South Florida Water Management District (SFWMD), Florida Department of Environmental Protection (FDEP), Orange County, Alachua County, Palm Beach County and Miami-Dade County. Projects in the private sector include the American Airlines Arena, Ocean Colony, Rod & Reel Marina, One Watermark Marina, and Fontainebleau II.

Langan provides comprehensive Land Development Engineering Services for major developers and national retailers on projects throughout the United States. This includes award-winning, fast-track site engineering projects and integrated CADD capabilities. As an integral component of the design team, Langan works closely with the owner to develop conceptual site plans and realistic cost estimates. Langan's service doesn't end after issuing site plans and specifications, it continues throughout permitting, construction inspection and overall project management.

Langan has a history of providing practical engineering services from concept to construction, for sites with difficult subsurface conditions, and complex waterfront and redevelopment projects. From the onset we have placed the interest of our clients first, maintaining cost effectiveness on both large-scale and small project assignments.

LANGAN

WELCOME TO PRINCIPLE DESIGN & DEVELOPMENT

Like the shining beacon of a lighthouse, Principle Design & Development, LLC leads the design arena for excellence, quality, innovative solutions, and customer service. We are an in depth professional service organization with managing partners having over 75 years of combined experience in engineering, architecture, and master plan community development. Our team of design professionals has been involved in notable projects around the globe and can provide this experience to you at competitive rates. We are committed to providing quality efficient service by offering our customers the best possible solutions to satisfy their design needs.

The Principle team was established to manage the complete design and development process in a cost effective manner, ensuring only the highest quality product demanded by the high-end facilities and communities we are entrusted with. The integrated complimentary disciplines harbored at Principle Design & Development provide our clients efficiencies and economic benefits in a comprehensive and diversified manner required by today's multidisciplinary projects.

MARINA AND WATERFRONT RECREATION DESIGN

Principle Design & Development, LLC, offers a wide portfolio of professional marina and waterfront recreation design and services for the waterfront industry. Among these services are marina acquisition, financial analyses (market studies, business plan, capital costs, dockominium/yacht clubs, potential profitability, typical income and cash flow projections, and development of a marina annual budget), regulatory assistance, site evaluation and assessment (marina development goals, due diligence, site assessment, environmental considerations, marina basin planning, dredging requirements), marina and waterfront recreation engineering design (vessel considerations, facility layout, selection of dock types, materials of construction, boardwalks, blueways, design and construction), upland programming and conceptual planning, amenities), and professional architectural design services (ships store, restaurants, clubhouses, dockmaster buildings, and dry rack storage buildings).

The Principle Design & Development marina team provides expertise to the extent needed to accomplish any set of project goals. Through our careful market analysis, appropriate engineering and scientific investigation, thoughtful material selection, and responsive operation, Principle Design & Development can be relied upon for successful development of the most complex marina projects.

PORT AND WATERFRONT ENGINEERING

The design professionals at Principle Design & Development, LLC offer a full range of unparalleled experience to the port and marine waterfront industry. These professional services range from cargo operations studies to berthing designs. Our diversified group of talented marine design professionals has worked around the globe for port authorities, private industry and the military providing service.

Principle Design & Development's skills, capabilities and experience include port planning and programming, port and cargo operations, terminal and harbor design, feasibility studies, bulkhead/wharf design and berth layouts, due diligence, structure rehabilitation, upland facility design, dredge material master plans, dredging designs, navigation issues, USACOE permitting, and program/construction management.

We offer clients knowledgeable marine specialists with years of hands-on experience and active involvement in industry associations, task forces, and research. It is this depth and diversity that enables Principle Design & Development to complete all aspects of your next project planning, design and development project.

COASTAL ENGINEERING

Principle Design & Development, LLC, offers a full array of coastal engineering services. Our professionals have worked around the globe on coastal projects that include inlet analysis and design, coastal analysis, tidal and wave action studies, breakwater structures, shore protection, beach re-nourishment programs, dredging studies and design, navigation issues, USACOE permitting assistance, and hydrographic surveys.

Because the nature and complexity of most coastal problems vary widely with location, the proper solution of any specific problem requires a systematic and thorough study. The highly experienced coastal engineering team at Principle Design & Development understands these problems and considers all advantageous and detrimental physical and environmental effects, while comparing the overall cost and benefits to the project to determine the justification of protection methods.

STRUCTURAL ENGINEERING

Principle Design & Development, LLC, offers the full array of professional structural engineering and design services. Whether serving our Marine, Port or Architectural projects, or providing consulting directly to architects, owners or builders, our structural services team is backed by decades of experience available to benefit our clients. Successful projects have been delivered by our team in every building sector, including:

- Commercial: Corporate, Office, Retail, Mixed-use, Professional, Medical
- Institutional: Correctional, Libraries
- Educational: Private and Public, Primary & Secondary
- Industrial/Manufacturing/Warehousing & Food Service Cold-Storage
- Airports: Terminals, Hangars, Ground-Support, Fire-Rescue, Car Rental
- Seaports: Cruise-Terminals, Transit-Warehouses, Free-Trade Zones, Authority Offices
- Rail Transit: Terminals, Rail Authority Offices
- Transportation: Gateways, Toll Plazas
- Marine & Waterfront Structures: Piers, Wharves, Docks, Seawalls
- Medical: Professional offices, Clinics, Hospitals, Administrative and Support
- Pharmaceutical: Research and Production Laboratories, Super-computer Facilities
- Municipal: Town & City Halls, Public Works, Pools, Parks & Recreation
- Military: Housing, Administrative, Operational facilities and planning of all types.
- Fire Rescue & Public Safety: Fire Stations, Police Stations, Training Facilities
- Emergency Operations Centers: Design, Disaster-Preparedness Studies
- Public Utilities: Operations Centers
- Historic Preservation & Restoration
- Engineering Forensics: Failure Analysis, Fire & Storm Damage Assessments
- Single and Multi-family Residential, Luxury Estate Homes

Let Principle Design & Development demonstrate a higher level of service and a better way of thinking the next time you require structural engineering services.

INTRODUCTION

SCHEDA ECOLOGICAL ASSOCIATES, INC. (SEA) is a Florida-registered corporation committed to providing both private and public sector clients with innovative, cost-effective solutions for a changing environment. Founded in Tampa in 1990, SEA's highly motivated staff of experienced professionals has provided a variety of professional environmental consulting services ranging from large public works projects and watershed management studies to small-scale residential site development. These services include:

- ✓ Environmental Permitting & Mitigation
- ✓ Construction Inspection & Monitoring
- ✓ Land Use/Watershed Planning & Management
 - ✓ Landscape Architecture and Management Contracts
- ✓ Comprehensive Ecological & Cultural Assessments
- ✓ FDEP State-Certified Stormwater Erosion and Sediment Control Training Course
- ✓ Stormwater Management
- ✓ Impact Analysis
- ✓ Habitat Mapping
- ✓ Wetland & Wildlife Studies
- ✓ T&E Species Surveys
- ✓ Habitat Restoration Design
- ✓ Seagrass Studies
- ✓ GIS Mapping and Analysis
- ✓ NPDES Coordination

INTRODUCTION

SEA is woman-owned and currently certified as a ***Disadvantaged or Woman-Owned Business Enterprise (DBE/WBE)*** with the South Florida Water Management District (SFWMD), Florida Department of Transportation (FDOT), the Florida Department of Management Services, various counties in Florida (Hillsborough, Alachua, Dade, Palm Beach, and Broward), Hillsborough County Aviation Authority, City of Tampa, South Carolina Department of Transportation, and the State of Georgia.

SEA's professional staff of 24 scientists and technicians is led by a senior management team with over 120 years of combined career experience. The SEA Team utilizes both practical consulting expertise and a thorough knowledge of the regulatory framework necessary to meet the most challenging of client needs. Key SEA staff members have formerly worked for the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, Environmental Protection Commission of Hillsborough County, and the Southwest Florida Water Management District (SWFWMD). Our environmental experience complements many engineering teams working on the planning, design, permitting and construction of a variety of projects.

SEA's team of professionals also has extensive experience in the field of habitat mapping, restoration, and design having overseen or designed hundreds of acres of freshwater and estuarine habitats. We are currently providing habitat restoration design services for the SWFWMD SWIM Program, the Sarasota Bay National Estuary Program (SB-NEP), the FDEP, and Hillsborough, Pinellas, Manatee, Sarasota, Collier, and Charlotte Counties.

THE FIRM

David Plummer & Associates, Inc. (DPA) was incorporated in 1978 for the specific purpose of providing transportation oriented services to public sector clients throughout South Florida. Since that time, the firm has experienced a steady, yet controlled, growth. In 1983, we began providing services to the public sector in Lee County, Florida, which led to the opening, in 1985, of a second office in Fort Myers. In 1987, a third office was opened in Palm Beach County to serve the Treasure Coast. We have recently opened offices in Fort Lauderdale to serve our clients in Florida better. Initially, our services emphasized transportation planning and traffic engineering design. We now offer complete transportation services from each of our offices, including transportation planning, traffic engineering, highway design, minor structural engineering, signalization design, construction engineering inspection, as well as, environmental assessments.

DPA has conducted planning, traffic operations and traffic safety studies for various government jurisdiction in South Florida. These services include, accident analysis, accident reduction, signal warrant studies and analysis, capacity analysis, and cost benefit analysis. Our roadway design efforts range from minor intersection design to signal design to highway design to major interchange design. Members of our firm have also been involved in numerous state and local committees concerned with the development of Level of Service Standards and Concurrency Implementation.

With dozens of Comprehensive Plan Amendments and traffic circulation elements completed, DPA brings special insight to, as well as, thorough knowledge of, traffic analysis, planning, concurrency, and the zoning issues involved in these projects.

Because of the firm's business approach to engineering, its principals are experienced in the complex relations among financial, technical, and "people" aspects of a successful project. The balance between engineering and business enables us to work with our clients from the earliest stages as part of the team of architects, planners, attorneys, and finance officers helping to shape and direct projects from the earliest planning stages through the approval process and into implementation.

Our public clients have included the Florida Department of Transportation, Palm Beach County, Miami-Dade County, Broward County, Collier County, Lee County, St. Lucie County, Charlotte County and Monroe County, as well as the municipalities of Coral Gables, Palm Beach Gardens, Delray Beach, Sanibel Island, Miami, Homestead, Fort Lauderdale, Boca Raton and Fort Myers. Providing services to these clients has enabled our professionals to establish excellent working relationships with the various local, regional, and state government agencies.

INTRODUCTION

ESI has over 25 years experience creating innovative visitor programs that encourage visitors to explore, learn and have fun. We would be honored to partner with the Miami South Point team to help realize your vision for the park.

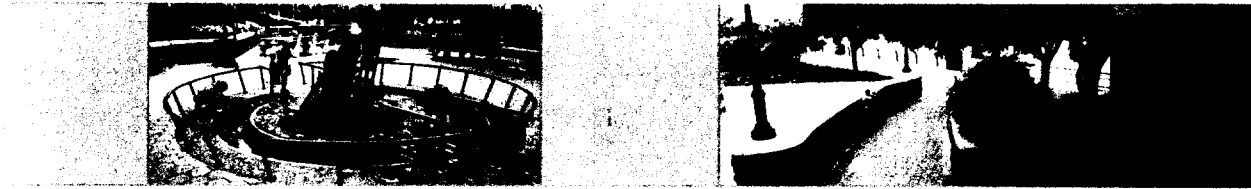
ESI's designs make learning fun and interesting. We discover new and often unexpected ways of connecting with diverse audiences. For example, at Ellis Island we designed a multimedia exhibit for visitors of all backgrounds to learn about their family's immigration history. ESI is currently developing an exciting program of hands-on exhibits and tools to help visitors explore the Bernheim Arboretum & Research Forest (attached). ESI's design team can bring the history of the South Point Park to life through interesting and dynamic activities.

In addition, our designs create opportunities for audiences to actively participate in the visitor experience. Visitors are encouraged to not only interact with the design, but with each other. By creating a strong bond with the local community, South Point Park can develop ongoing relationships with visitors and become a special and unique place within the community.

Finally, even the most creative ideas require organization, collaboration and iteration in order to be successfully implemented. We understand that your team will be comprised of a diverse group of stakeholders. After working with hundreds of client teams, we are experienced at coordinating and integrating different voices on a project. Our design process begins with a Research and Analysis phase where we address key project issues and establish the underlying goals and aspirations for the design. By discussing the most important and challenging questions upfront, we help build a shared vision for the project and establish the foundation for a truly collaborative process.

ESI aspires to partner with your team on this project. We believe that our experience, creativity and methodology provide the right combination of skills for the visitor program at South Point Park. Through an exciting interpretive program and community outreach, South Point Park can become a treasured resource for the local and extended communities.

DESIGN EXPERTISE



Founded in 1977 by Edwin Schlossberg, ESI has built its reputation on educating, engaging and even inspiring visitors through innovative, interactive designs.

For more than 25 years, ESI has pushed the bounds of hands-on and high-tech interactivity to create designs that encourage visitors to explore, share and learn. Beginning with the Learning Environment at the Brooklyn Children's Museum, one of the nations' first participatory educational environments, our team helped set the standard for experiential design.

Although we approach each new design challenge from a fresh perspective, ESI brings a number of established strengths to the South Point Park project:

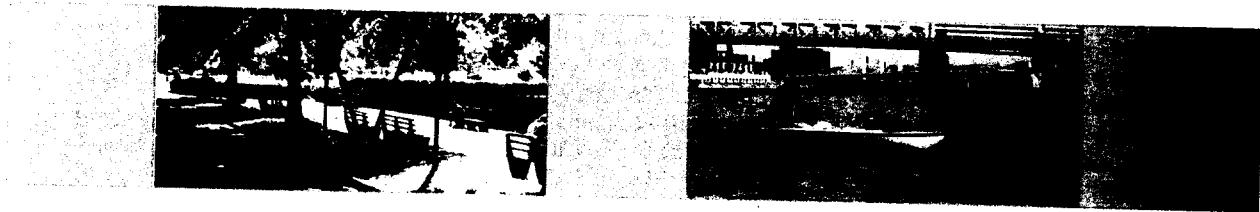
- > **Designing for Diverse Audiences**
- > **A Respect for Communicating History**
- > **Integrating Technology into Designs**

Designing for Diverse Audiences

ESI regularly creates designs for diverse audiences: children, parents, Catholic scholars, nature lovers, sports fans, school groups, tourists, academics. Because ESI's designs are rooted in educational theory and a strong understanding of human interaction, they have universal appeal.

We believe that successful visitor experiences are built upon a deep awareness of how people absorb and analyze information. ESI's main educational goal is to instill a spirit of exploration that stimulates open-ended inquiry and discovery among visitors. Drawing on the work of educational theorists Jean Piaget, Howard Gardner, Jerome Bruner and L.S. Vygotsky, we believe that exhibits should be focused on promoting critical thinking for a diverse audience.

Each department at ESI includes educators who bring new and varied perspectives to exhibit programs. They also ensure that these educational principles are integral to every stage of our design and development process. Because our design solutions offer many points-of-entry into information and activities, they are accessible and valuable to visitors of varying ages, backgrounds and abilities.



A Respect for Communicating History

To ensure that our designs bring history to life, ESI employs an historian who will collaborate closely with your team to understand the rich history of the Point from multiple perspectives. Because of our emphasis on history, we ask insightful questions, and take the time to absorb and interpret historical content. Once we have a thorough understanding of the history and program goals, our team will develop exhibit ideas that present historical information accurately and with sensitivity.

ESI has extensive experience creating historical exhibits that are fun and interactive to visitors of all ages and backgrounds. Our designs allow visitors to learn history by engaging them in the learning process. In addition, ESI has experience designing exhibits that integrate artifacts into the fabric of the visitor experience.

Integrating Technology Into Designs

At ESI, interactivity has never been solely based on technology or Internet-based design. Our definition is much broader, encompassing any design that elicits an intellectual, emotional or physical response. Unlike many design firms, ESI understands how to create interactivity in both virtual and physical environments and develops design solutions that combine the best of both.

Although we are skilled at integrating technology into our designs, ESI never uses technology for technology's sake. We will begin the South Point Park project by establishing the communications and experiential goals. For example, we will jointly answer questions such as: *What will visitors see and do at the Point?* and *How will they interact with the design and with each other?* Using the visitor experience as the driving force behind the design, our team will create an experiential exhibit using a combination of graphic, physical and interactive elements.

In addition, ESI designs exhibit programs so that they are modular. Over time, this will allow the Point to upgrade individual elements of the exhibit without necessitating upgrades to the entire system or affecting the program's narrative or flow.

Finally, ESI has full in-house audiovisual, software production capabilities, so the same team that designs the media will oversee its development. By integrating the design and development of interactive elements, we offer our clients greater efficiency and quality control throughout the process.

LAM PARTNERS INC

LIGHTING
DESIGN

FIRM DESCRIPTION

Lam Partners Inc provides lighting consulting for architecture and urban design. We combine the experience and professionalism developed over the 35-year history of our firm with the creativity, flexibility, and responsiveness demanded by today's projects. Principals Paul Zaferiou and Robert Osten and our designers offer our clients diverse backgrounds and complementary expertise. Our multi-disciplinary professional staff is large enough to serve projects of virtually any size, and gives us the project management, design, and production resources necessary to serve project needs efficiently.

We believe that effective lighting design begins with an understanding of architectural and urban design issues, of our clients' design intentions, and of the architectural design and construction process itself. Our principals and design staff have professional degrees and experience in lighting design, architecture, engineering and industrial design. With special expertise in daylighting, sun-control, energy conservation, and dark sky issues Lam Partners is well qualified to develop environmentally responsible designs.

Our practice is both nationwide and international, with projects in Canada, Israel, Spain, France, Germany, Angola, Qatar, Kuwait, Saudi Arabia, Indonesia, the Philippines, Korea, and China.

Services Offered:	Architectural lighting design	
	Architectural daylighting design	
	Site, park, and roadway lighting design	
	Lighting master planning for cities, campuses, and institutions	
	Exterior facade lighting for monuments, historic buildings, and new buildings	
	Scale model daylighting analysis with SunScan quantitative analysis and video	
	3-D computer modeling and rendering and quantitative analysis	
Typical Client Types:	Architects Landscape Architects Planners Developers Building Owners Institutions Government Agencies	
Project Types:	Civic Facilities	Office Buildings
	Educational	Performing Arts Facilities
	Historic Buildings/Landmarks	Religious Structures

LAM PARTNERS INC

LIGHTING

DESIGN

Health Care

Laboratories

Libraries

Museums/Exhibition Spaces

Mixed Use Centers

Retail & Shopping Centers

Science Education

Sports Facilities

Transportation Facilities

Urban Design

- **Kiel Plaza Triangle Park, St. Louis, Missouri, USA:** Peter Walker & Partners; major fog /steam lighting display in the heart of the city.
- **Copia, American Center for Wine Foods and The Arts, Napa, California, USA:** PW&P; 400' long stepped canal adjacent to main entry walk. ASLA Merit Award 2004
- **Courthouse Square, Toronto, Ontario, Canada:** Janet Rosenberg & Associates; overflow pools in a unique downtown urban park. Canadian Landscape Architecture Honor Award (2000)
- **Chiron Life Sciences, California, USA:** PW&P and Flad Associates; overflow pools and roof deck courtyard pools.
- **Church Street Mall, Burlington, Vermont:** Truex DeGroot; pool with sidewalls with multiple spouts and end runnel system. Fire truck accessible.
- **Pittsburgh Cultural Trust, Pittsburgh, Pennsylvania:** Office of Dan Kiley, Louise Bourgeois Artist; large bronze peaked sculpture with water spiraling down terraced facade into zero edged pool.
- **Milwaukee Art Museum - Cudahy Garden:** Office of Dan Kiley and Santiago Calatrava; 660' long canal with 2000 jets and large terminal pools with 40' high jets. Wind control interfaced.
- **Jamison Square, Portland Oregon, USA:** PW&P; 100' wide tidal pool with adjacent stone terraced water wall source filling & emptying 25000 gallon pool in 7-10 minutes.
- **Legoland, Gunzburg, Germany:** Forrec Ltd; a large theme park with various water features including boat rides, lagoons, animated water play areas, water special effects for Lego models, waterfalls, wave splash dark ride effect and many others.
- **MBE Library, Christian Science Center, Boston, Massachusetts:** Reed Hilderbrand; elegant Waterwall in courtyard setting.
- **9/11 American Express Memorial, New York, New York:** Ken Smith Landscape Architect/ SOM; droplet fountain in memory of those who perished.
- **Dundas Square, Toronto, Ontario:** Brown & Storey Architects; Animated fully accessible plaza fountain in the heart of the city.
- **Nasher Sculpture Garden, Dallas, Texas:** PW&P and Renzo Piano; water spout linear wall with pool and & split reflecting pool with rows of large jets. ASLA Honor Award 2004

LIST OF SOME CURRENT PROJECTS

- **Clinton Presidential Center, Little Rock, Arkansas:** Hargreaves Associates & Polshek Architects; major water features include large animated display. Construction stage.
- **Clark Art Institute, Williamstown, Massachusetts:** Reed Hilderbrand Landscape Architect and Tadao Ando Architect; 600'x200 stepped shallow reflecting pool. Schematic Design.
- **GM Renaissance Place, Detroit Michigan:** Hargreaves Associates; large water feature /water play with multiple jets in the central core of the cities' riverfront. Construction Stage.
- **San Diego Waterfront Project, San Diego, California:** Hargreaves Associates. Large 850' long water feature with continuous water stair and arching jets. Contract Document stage.
- **Columbus Riverfront, Columbus, Ohio:** Michael Van Valkenburg & Associates and Ann Hamilton, Artist; Large riverfront project with river edge Waterwall, sculptural bowls, and children's waterplay. Design Development Stage.
- **Chattanooga Riverfront, Chattanooga, Tennessee:** Hargreaves Associates; Large waterfront project with 7 jets shooting to 70' high into the river and a large water cascade and a series of dripping wall niches. Construction Stage.
- **Phoenix Art Museum, Phoenix, Arizona:** Tod Williams Billie Chien Architects; unique waterwall and pools; Conceptual Design Stage.
- **Canadian Museum of Nature, Ottawa, Canada:** Kuwabara Payne McKenna Blumberg; Large exterior Waterwall. Contract Document Stage.
- **Novartis, Basel, Switzerland:** PW&P; unique water features including entry bubble feature, stream, pond & pools. Design Development/ Conceptual Stage.
- **World Trade Center Memorial, New York, New York:** Michael Arad, PW&P, Davis Brody Bond; 1600' long x30' high waterfalls and lower pools to remember those who perished on 9/11. Schematic Design stage.

References upon request.

COMPANY PROFILE

DEW is a specialized design company that consults internationally on water feature design. Dan Euser, a registered Landscape Architect in Canada (1982) who has also completed previous studies in Architecture heads the company. Dan brings 20 years plus experience to this field and has been responsible for planning constructed water feature projects ranging in size from \$10,000 to \$4,000,000 and has consulted with a variety of Architects, Landscape Architects, Engineers, Artists, Municipalities, Theme Park Planners, and Owners. The company works with the Client's design team to develop the mechanical & electrical systems for the water features. It also provides directions for architectural, structural, and waterproofing details that affect water performance. During the design stage, issues of water visibility, performance, splash, wind, noise, safety, costs, utility servicing, and maintenance are addressed. A testing service required to accurately predict unique water displays is provided as necessary. Completed designs and designs under construction include reflecting pools, architectural waterfalls, rain curtains, classical fountains, animated fountains, fog and steam fountains, ice and winter fountains, children's water play areas, swimming pools, and a variety of others.

LIST OF SOME COMPLETED PROJECTS

The following are some projects that Dan Euser was responsible for and has completed:

- **Village of Yorkville Park, Toronto:** Martha Schwartz Ken Smith David Meyer LA; rain curtain/ icicle wall & fog garden (1996 ASLA president's award)
- **Universal Studios, Orlando Florida:** Forrec Ltd. Theme Park Planners Phase 1: entrance fountain and many others
- **Jerusalem City Hall, Jerusalem, Israel:** A.J. Diamond Donald Schmidt Architects; 500' aqueduct and archimedes screw and fountains
- **First Bank Place, Minneapolis, Minnesota:** Pei Cobb Freed & Partners, Architects; interior lobby pools with exquisitely carved stone fountain displays
- **Warner Theatre, Washington, DC:** Pei Cobb Freed & Partners Architects; Atrium bowls and creek
- **Corning Riverfront Park, Corning, New York:** Office of Dan Kiley Landscape Architect; Accessible 40' high jet in a plaza setting
- **Principal Life, Des Moines, Iowa:** Peter Walker William Johnson & Partners; Fog fountain. ASLA Honor award.
- **University Commons, University of Cincinnati, Ohio, USA:** Hargreaves Associates; a large accessible campus fountain including multiple jet spray patterns & fog.
- **Campus Green, University of Cincinnati, Ohio:** Hargreaves & Associates; Large water stair displays in a campus setting.
- **Metro Center, Toronto, Ontario, Canada:** Moorhead Associates; Exterior pools flush with pavement and art sculpture with unique water display
- **Exhibition Place, Toronto, Ontario, Canada:** Board of Governors, Exhibition Place; renovation of large Princess Margaret and Peace Fountains.
- **Cloud Garden (Bay Adelaide Park), Toronto, Ontario, Canada:** Baird Sampson Architects; 50' high waterfall and adjoining creek with summer and winter operation.
- **The Ontario Pavillion, World Expo 92, Barcelona, Spain**
Government of Ontario Tourism; Various water features exhibiting of unique water design & behaviour, and to exemplify Ontario as a place which reflects it's name, "land of shining waters"
- **Deira International Theme Park, Cairo, Egypt**
Forrec: An amusement park with various water features using fog, waterfalls, streams, ponds, animated fountains.
- **Nortel Carling Campus, Nepean, Ontario:** HOK; 400' long decorative pond / storm water detention area with zero edge drive through.

GAVIN McMILLAN PRINCIPAL/PROJECT MANAGER

Gavin McMillan has 16 years experience working on international and technically complex landscape architecture and urban design project. Gavin joined the Cambridge office from our branch office in Sydney, Australia where he served as the on-site project manager for the 2000 Olympics project. Gavin's role in the Sydney Olympics included design office manager, project and construction management and regular interface with multiple consultants, client groups and the public. Gavin is currently the Project Manager for the Louisville Waterfront Park Phases II and III, and the Chattanooga Waterfront Park.

EDUCATION

QLD University of Technology, Brisbane, Australia, Master of Landscape Architecture 1988

QLD Institute of Technology, Brisbane, Australia, Bachelor of Applied Science 1983

PROFESSIONAL EXPERIENCE

Hargreaves Associates, San Francisco, CA and Cambridge, MA
New Ground Environmental Design

Belt Collins Australia, Sydney, Australia

Belt Collins International, Australia/ Singapore

Landplan Studio Pty. Ltd., Brisbane, Australia

P. Clarke and Associates, Brisbane, Australia

AWARDS

CMAA Award for Innovation in Masonry

P. Behan Memorial Prize for Landscape Design

SGAP Prize for Landscape Design

PUBLICATIONS

"An Australian Landscape for the Sydney Olympiad," Landscape Australia 1995

"Home Grown Garden," House and Garden 1995

"Paving and Landscapes," Australian Concrete Construction 1994

"Landscape 2000," BOMA magazine 1993

LECTURES

"Imagining Riverfronts," Davenport, Iowa 2003

"Interior Plants," Facilities Manager's Conference 1996

"The Role of Plant Guidelines for Homebush Bay," Olympic Coordination Committee Seminar 1995

"Designing for the Australian Landscape," AIH Seminar 1994

PROJECT EXPERIENCE

21st Century Chattanooga Waterfront
Chattanooga, Tennessee

Louisville Waterfront Park Phase 2 and 3
Louisville, Kentucky

General Motors Warren Technical Center Master Plan
Detroit, Michigan

Sydney Olympics 2000
Sydney, Australia

Darling Park and Harbor
Sydney, Australia

Gold Coast Commercial Centre
Hong Kong

Gold Coast Yacht Club and Marina
Hong Kong

World Exposition
Brisbane, Australia

ATTACHMENT “B”

RMPK GROUP

LETTER OF INTRODUCTION

South Pointe Park Improvements

October 4, 2004

Mr. Gus Lopez, Procurement Director
City of Miami Beach
City Hall
Procurement Division - Third Floor
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Request for Qualifications (RFQ) 39-03/04 Architecture, Landscape Architecture, Engineering and Construction Administration Services to Complete the Planning, Construction Design and Construction of the South Pointe Park Improvement Project

Dear Mr. Lopez:

The RMPK Group Team (comprised of **The RMPK Group, ConsulTech Engineering, Margie Ruddick Landscape, Michael Singer, and Slavovic Studios**) is pleased to submit this proposal for the improvements to the South Pointe Park in Miami Beach. We have visited the site as well as neighboring facilities including the historic District of South Beach and areas planned for future downtown development including Sound Space. We have also toured existing city parks and trails in order to get a sense of the City's existing facilities and to identify potential connectors to the South Pointe Park. Armed with this insight we have prepared a proposal that specifically addresses your project needs. In addition, we have assembled a team that has extensive experience in the planning and design of waterfront parks, incorporation of public art, and can respond quickly and expertly to your needs.

The combined strength of a nationally recognized park planning firm, a nationally recognized landscape architecture firm, a locally known and respected engineering firm, a local architectural firm and local art talents provide the right combination for creating a successful project that will mirror the culture and diversity of Miami Beach.

Because of the park's incredible location, this is an opportunity to design a truly spectacular facilities that will compliment the other cultural and recreation amenities in Miami Beach and provide a spiritual forum for the community. We will integrate the salient needs of the city; Artistic expression, Interactive waterfront promenade, Interpretive and historical components, Water features, and connectivity to community's and planned centers.

The principal-in-charge and Project Manager of the South Pointe Park Improvements projects will be Russell Moore. Russell is the founding partner of the company and has over 25 years experience overseeing the administration of large park projects. Russell is a firm believer in getting the project completed on time and on budget. We encourage you to check his references to validate his level of commitment and dedication to his clients.

This project is tailored to our background and expertise, and emphasizes the combined strength of our team personnel. We are very excited about the opportunity to work with the City of Miami Beach. Thank you for your consideration of our proposal



Sincerely,

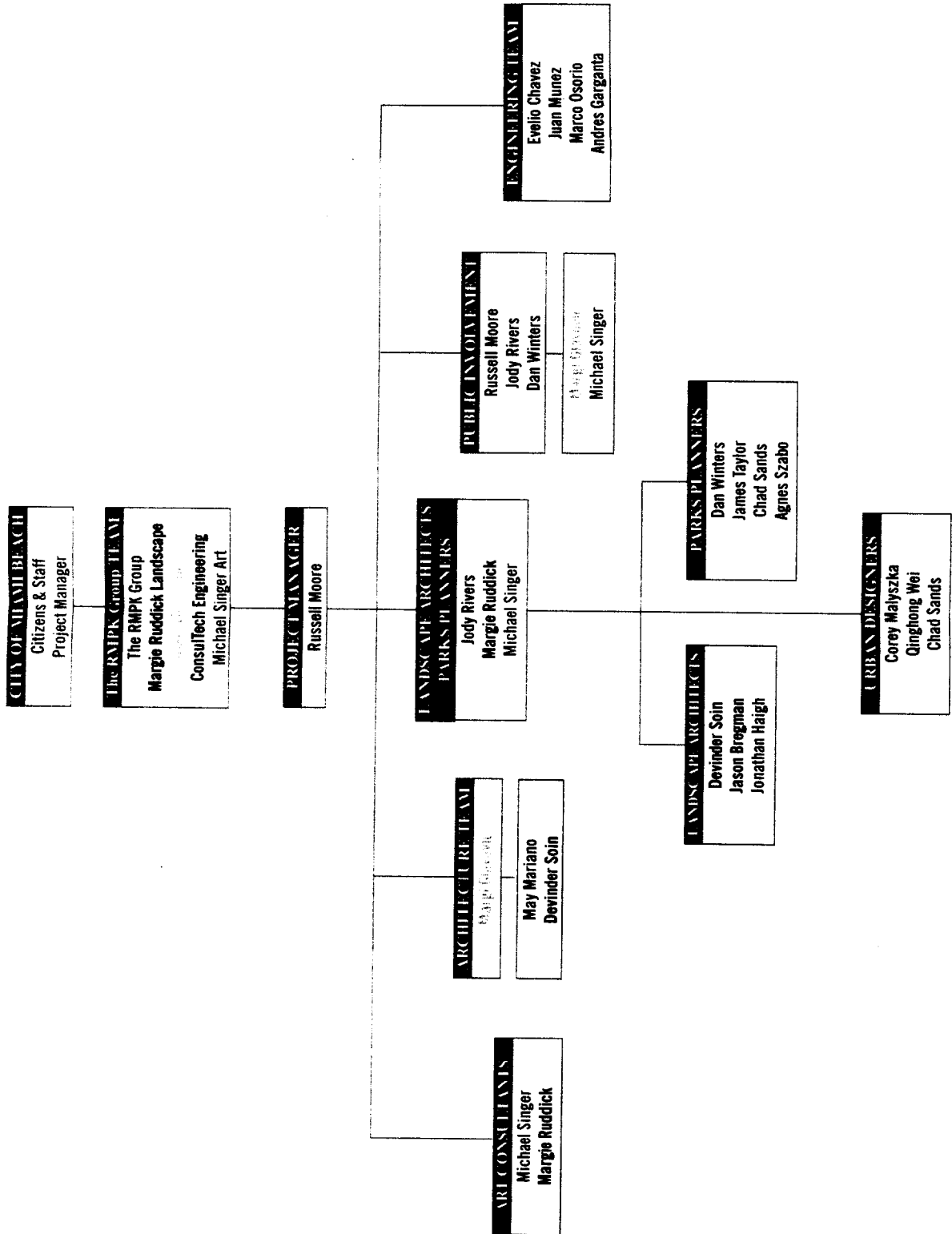
Russell Moore, President
The RMPK Group, Inc.

The RMPK Group

1016 Clemons Street
Suite 406
Jupiter, FL 33477
ph 561.745.2401
fx 561.746.3380

COPY

ORGANIZATIONAL CHART The RMPK Group TEAM



The RMPK Group is a multidisciplinary consulting firm devoted to the practice of community and regional planning, land development planning, parks planning, urban design, and landscape architecture. Our focus is on the user, and we incorporate their needs into the planning and design process. Early in each project we establish goals, objectives and critical planning parameters in order to produce an exceptional and timely solution for our clients.

Specializing in parks planning and design we were established in 1981. In the past 21 years we have been involved in over 25 downtown waterfront parks, 6 regional parks, 35 passive parks, and 37 active parks throughout the United States.

Our services encompass the following practices:

PARKS & RECREATION

Involvement with the Florida Everglades Park project along with other National Park Service projects has given us valuable insight into environmental concerns such as preservation and conservation. Our firm is experienced in all scales of park and recreational planning including a 20,000-acre watershed management study in Manatee County, FL, design of natural interpretive facilities and trails including the Florida Heritage Trail (Florida Keys) and the Quick Point Nature Center (Longboat Key), and the restoration of old and historic parks. Our experience in system-wide parks, recreation, and open space master planning has given us opportunities to develop park and recreation systems from a holistic approach for communities such as: Mount Dora, Daytona Beach, Bonita Springs, and Key Largo. We have won National awards from the American Society of Landscape Architecture for our comprehensive approaches to parks master planning and interactive park design. For Miami Beach we will create a place that serves the public in a artistic and cultural sense. We will utilize the beautiful location coupled with premier artistic talents of our team and an exceptional design to not only create a place for people to gather, but also to create a innovative waterfront park that will be cherished by all those who visit it from around the world.

ENVIRONMENTAL & CULTURAL PLANNING

We combine expertise in cultural and environmental resources and are able to use this knowledge to balance the strength of both to create a sense of place in this environmentally sensitive land. We will integrate the South Pointe Park into a greater entity, encompassing existing parks, trails, historic sites, visitor centers, museums, and art centers that will enhance each other through the use of urban design and pedestrian connections. Throughout this process we will encourage and engage community interaction, because we realize that armed with their insight we can develop a strong program. In addition we can ensure realistic recommendations and an efficient, maintenance friendly facility, by developing solutions with those who implement them.

LANDSCAPE ARCHITECTURE

Our landscape architecture division is proud of the numerous awards they have won for excellence in design and will use this experience to truly create a world-renowned facility for the residents and visitors of Miami Beach. Our design and use of public art will be consistent with Miami-Beach's reputation of being an "international center for innovation and design". Our commitment to provide outstanding quality management and award winning designs will recreate the South Pointe Park that you, as our client will be proud of. Our service-oriented attitude has resulted in clients returning to us with future projects. Our design work includes parks, resorts, streetscapes, campus design, and residential, commercial, and urban amenities.

URBAN DESIGN

The cornerstone of RMPK Urban Design is anticipating and affecting change in the environment. The reputation of our firm rests on creating responsible solutions for urban challenges. Our success stems from our commitment to sound planning principles, and the creation of architectural forms that evoke the character of the site and the community.

Our corporate office is located in Sarasota, Florida with branch offices in Jupiter and Cocoa Beach, Florida. Our firm is organized under the corporate laws of the State of Florida and enjoys memberships with the American Institute of Planners, Florida Redevelopment Association and American Society of Landscape Architecture with licenses in landscape architecture.

locations

1016 Clemons Street
Suite 406
Jupiter, FL 33477
ph 561.745.2401
fx 561.746.3380

1519 Main Street
Sarasota, FL 34236
ph 941.954.1718
fx 941.954.0231

1000 S Atlantic Avenue
Cocoa Beach, FL 32931
ph 321.784.5010
fx 321.784.5098

FIRM PROFILE

Margie Ruddick | *Landscape Architect*

Our approach to environmental design moves beyond the tradition that distinguishes ecology from form, to integrate environmental systems with rigorous design. We consider the natural systems of a site as the starting point for design; our process involves working within social, architectural, historical, cultural and economic frameworks as well. We build teams that bring together the highest quality of design - architecture, landscape architecture, industrial design, fine arts - with the highest levels of environmental engineering and science.

While many of our projects have been at the forefront of sustainable design, our goal is to participate in the creation of memorable, compelling places that resonate with the people who live with them. We look at all of the ecologies that come together to make a particular landscape feel like no other place.

We see the role of water as central to our process. We worked with environmental artist Betsy Damon to create the Living Water Park, in Chengdu, Sichuan, China, a riverfront park that demonstrates how water can be cleansed through biological means. The park's aeration features, fountains and constructed wetlands make visible the science of remediation, while also providing a sanctuary in this bustling city of nine million people. The Living Water Park has become a destination and a green safety valve for the city's residents and visitors.

Our projects along New York City's waterfront have brought together the particulars of this riverine habitat with the needs of the city's residents. With Judith Heintz Landscape Architect, we proposed, in the North Neighborhood Open Space project at Battery Park City, a radical treatment of vacant blocks in the city that respected their unique ecologies, allowing people to experience the birds, butterflies and other wildlife that these left-alone green spaces attract; at the Recreation Park at Battery Park City we used hardy beachside plants to nestle athletic fields and an overlook beneath the financial district towers. We learned on this project the many ways in which reuse and recycling can both inform a project and make it sustainable. The park and recreation fields used many recycled materials: conduit became a bench; unused concrete members from the landfill construction became seating walls; demolished concrete sidewalk became a retaining wall.

Recent projects, including the master plan for the 2,500 acre Shillim, an ecologically oriented resort in India's Western Ghats, have focused on adhering to the highest standards in ecologically sensitive, socially responsible and managerially expert practices. These practices emphasize preserving and enhancing existing wildlife habitats, restoration of forests, establishing ecologically sensitive practices for the use of water, plantations, and building, and establishing organic farming on the site. The sustainable economics of the project take a central role, guiding all of the decisions of siting, design, technology, and program. The programming and design of the project are geared to help the people who live there and in the surrounding villages to adapt to and benefit from the new resort culture that is developing around them.

Our current work at Queens Plaza in New York City, with Marpillero Pollack Architects-urban designers, Langan Engineering and Landscape Architects, and Battle McCarthy Environmental Engineers, has developed a new language for integrating the exigencies of the site's tangled infrastructure, its extremes of climate, noise, and traffic, into a landscape that is both of the place, clearly belonging in the quirky industrial Long Island City environment, but also more welcoming, easier to navigate, and more emblematic of Queens as a whole. On all of our projects as of 2003, we work in close alliance with Battle McCarthy to provide a complete, multidisciplinary approach that integrates landscape, environmental systems, and building systems, to ensure that the place that we leave after our work is done is healthier than we found it, and sustainable in the long term. Our process as team builders and facilitators ensures that each discipline is well integrated into a seamless process that is creative, economical, and grounded in the goals of the clients and communities with whom we work.

location

7149 Germantown Ave
Philadelphia, PA 19119
ph 215.247.7290
fx 216.247.7077

cont.

FIRM PROFILE

Margie Ruddick | *Landscape Architect*

Landscape and Architecture

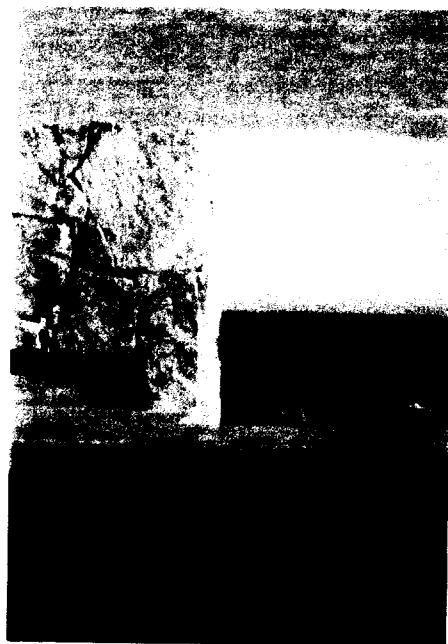
Our work attempts to blur the lines between built and natural environments.

Program

Successful program starts by understanding the way a place is used, how it can be used, the client's needs and activities guide the project to create a sense of place.

Minimizing Impact and Waste

The design process considers energy expenditure in economic and ecological cycles, and the creative reuse of materials.



cont.

FIRM PROFILE

Margie Ruddick | *Landscape Architect*

Water: Filtration

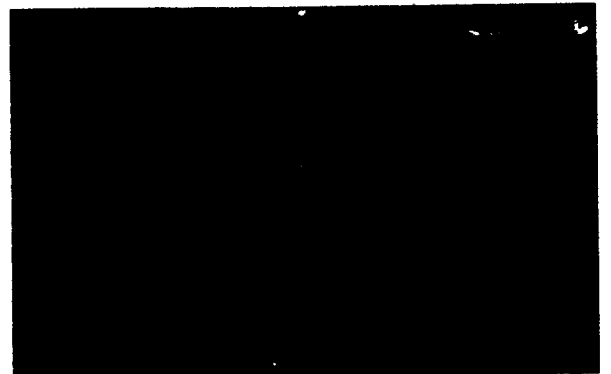
Water is collected in a trench and filtered as it passes through the landscape.

Water: Absorption and Recharge

Water is absorbed into the ground to be recharged.

The Larger Landscape

Designing the larger landscape, taking our design approach into account, has evolved over time.



FIRM PROFILE
Glavovic Studios | Architecture

Glavovic Studio Inc. is an emerging lead architectural and urban design firm. We are currently working on a range of projects from large-scale urban design projects on the Hudson River in New York, to non-profit cultural projects in South Florida.

Glavovic Studio Inc. primarily associates with large architectural firms, providing creative conceptual design strategies for Master Planning and buildings. We provide the client with a high level of energy and commitment to creative solutions whilst working steadfastly to meet the essential budget and program constraints.

Our collaboration with large firms enables these firms to conceptualize the project issues outside of their traditional process and places a higher value on the design than usually is possible.

This collaborative work to date includes the Broward County Artspark in the City of Hollywood with Scharf and Associates and Zeidler Grinnel; Young at Art with Spillis Candela DMJM; the North Fork New River Project with Broward Urban River Trails and the Conceptual Design of the Hudson River with the Minetta Brook Foundation among others.

location

**724 NE 3rd Avenue
Fort Lauderdale, FL
33304
ph 954.524.5728
fx 954.524.5729**

A consortium of professional firms serving Florida for more than twenty years...

Established in 1982, Consul-Tech (formerly Consul-Tech Engineering) is a twenty-year-old consortium of professional firms providing a wide variety of consulting services throughout the State of Florida. With beginnings as a local-market engineering firm, Consul-Tech has rapidly expanded in the last two decades. With offices throughout Florida, Consul-Tech has more than 180 employees serving a variety of markets in both the public and private sectors. The synergy between the sister companies enhances projects with a seamless delivery of multi-disciplined services while providing a depth of experience and resources not always available in a single source firm.

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Claims Analysis, Review, Mitigation
Schedule Analysis & Management
Cost Document Control
Field Inspection & Observation
Constructability Reviews &
Recommendations

**Consul-Tech
Development Services, Inc.**

Residential
Commercial
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Environmental
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**Consul-Tech
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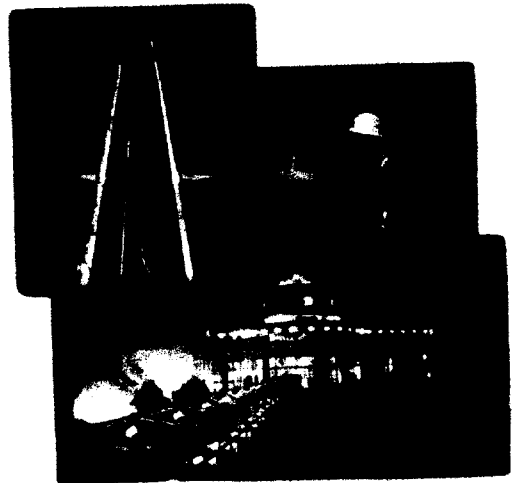
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ROW Survey & Mapping
Boundary
Topographic
Geodetic
Hydrographic

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Our success is the result of leadership that has created a corporate culture where there is no substitute for excellence. We recognize that each client has unique needs and project goals. They choose CTE because they desire experts that have a grasp on the big picture — they deserve someone they can trust and who will prevent problems, minimize risks and eliminate surprises.

Consul-Tech is a minority-owned business enterprise (MBE) with billings over \$18 million. Our growth has resulted from a No Nonsense / No Excuses approach and a commitment to two principals vital to success -- progressive thinking and the willingness to take calculated risks. Strategies we trust will sustain CTE just as successfully in today's challenging business climate.



"To establish stable and lasting partnerships with our clients. To adhere to strict ethical and moral standards. To maintain a professional reputation for quality, excellence and integrity. To provide a stable and enjoyable work environment of mutual respect, challenge and financial security."

- Consul-Tech Mission

location

833 N NorthLake Drive
Hollywood, FL 33019
ph 954.438.4300
www.cte.cc

Thank you for the opportunity to submit team qualifications for this unique, outstanding project. I am a resident of Delray Beach and share my time there with my current studio in Vermont. I have a special sensibility regarding the South Florida environment. Aside from having a residence, I spent several years in the Everglades National Park (1976 on an NEA grant and 1983 sponsored by the Ringling Museum for the exhibition "Five Artists in the Florida Landscape"). I would cherish the opportunity to work with the challenges and opportunities presented by the South Pointe Park project.

Most of my public art projects are collaborative, team works. These projects have interaction on all levels with architects, engineers, landscape architects, graphic designers, interpretive planners, historians, scientists, exhibitions designers, and contractor/builders. Many of the projects result in specific works of art that effect the place, like the Denver International Airport Concourse C project. Or the memorial garden in Stuttgart, Germany "Ritual Series/A Place to Remember Those Who Survived. Or a pavilion at the New England Science Center – EcoTarium that places visitors overlooking a pond and woodland. My work has also been central to the definition of site-specific sculpture with projects in delicate natural environments like the Everglades National Park, a Harriman State Park beaver bog, or the woodlands of Wellesley College.

My work also involves my participation as the leader of planning and design teams, as well as participating as a member of those teams. This work has often involved large infrastructure projects dealing with solid waste transfer/recycling facilities, wastewater treatment facilities, floodwalls, and urban planning for parks and environmental restoration/reclamation.

CENTER FOR ENVIRONMENTAL LEARNING AND ENTERPRISE, *Phoenix, AZ*

Working for the Department of Public Works in Phoenix and the Phoenix Arts Commission, artist Linnea Glatt and I, leading a team of architects and engineers, transformed a normally "out of sight, out of mind" place into a public amenity that has been credited with influencing the way infrastructure projects are designed today. The project was completed in 1993. Linnea and I continue to work on the surrounding site. We completed a master plan (with our colleagues urban planner Fritz Steiner and landscape architect Laurel McSherry) for a one square mile area adjacent to the Recycling Center, a "Center for Environmental Learning and Enterprise". One area identified in this master plan is "Circle of Water in the Desert". In short, it is a place for the public to understand the relationships between surface water, rain water, pond water, river water, canal water and effluent; a place to understand the treatment of wastewater through bio/systems, and innovative treatment technologies; and also serve as the major interpretive center for the second phase of the Phoenix Rio Salado Project. Upon acceptance of this master plan in 2001, Phoenix hired me to produce Design Guidelines for future development at the site.

FLOODWALL RIVERWALK PARK, *Grand Rapids, MI*

For the Grand Rapids, Michigan Floodwall Riverwalk Park I worked with civil engineer Varoujan Hagopian at Sasaki Associates on the design and construction of a floodwall as a public park and river walkway and restoration of riverine ecology. In New Haven, Connecticut I lead an urban planning team including environmental engineers, historian, anthropologist, that redefined a one-mile section of the water front, Long Wharf, into a public park where people could understand the complex history of human intervention at this site. The current plan includes the restoration of wetlands, habitat creation, and interpretive programs that help the public understand "restoration intervention" in helping to improve overall environmental quality. One of the master plan public art projects will be a "Tidal Seaside Garden" as a place to understand habitat and plant life within constructed tidal pools (see slides).

location

P O Box 682
Wilmington, VT 05363
ph 802.464.2781
fx 802.464.2670

cont.

CHICAGO PARK, *Chicago, IL*

Working closely with historian Dr. Richard Rabinowitz of American History Workshop and the Chicago Park District, I designed a new park on an important historic site that is currently an urban brownfield. The park integrates the interpretive programs and meanings of this place as part of the landscape, pathways, gathering places and sculptural elements at the site. The park interprets the history and impacts of canals on the city, as well as reclaims wildlife habitat and restores a wetland ecosystem.

TROJA ISLAND BASIN, *Prague*

With support from the Rockefeller Foundation and the Trust for Mutual Understanding I lead a multidisciplinary team with the environmental group River Watch Network on the master plan for Troja Island Basin in Prague. The master plan addresses ways of converting a water treatment facility into a community amenity and a designation for land use in the vicinity.

NARRATIVE of QUALIFICATIONS

The RMPK Group TEAM

There are a several aspects of The RMPK Group TEAM that makes for a truly unique opportunity for the City of Miami Beach.

Margie Ruddick and **Michael Singer**'s life work creatively explores and reveals the relationship of the environment to a particular place. With the unique and beautiful setting of the South Pointe Park we will draw out and emphasize these relationships. Miami Beach is not a traditionally "environmentally-oriented" place, yet it has the potential to develop this unique coexistence. **The RMPK Group** and **Margi Glavovic** Nothard's work looks to integrate urban redevelopment with a highly designed and inventive redefinition of urban and architectural space.

This team will provide a re-conceptualization of the site, to be inclusive of an art environment, the entire experience should be considered art. This will be achieved through an environmental agenda of **integrated art and design** that also recalls the unique history, culture and landscape of the place. The design needs to look to the future of its larger role in the city of Miami Beach and the extreme juxtapositions of urban and natural. This project can be the **unique catalyst for future sustainable systems and strong form**. None of this needs to neglect the representation of the artistic spirit as intrinsic to the sustenance of the urban environment and the cultural representation already found in the Art Deco district with icons such as Gehry, Isozaki and others.

Alternatively, this laudable legacy needs to add another powerful adjacency, the integration and ultimately **elevation of the natural environment and the urban fabric**. We are uniquely qualified to do this.

TEAM STRUCTURE

The RMPK Group Team

PRIME CONSULTANT:

The RMPK Group

Jupiter, Florida

ph: 561.745.2401

AREAS OF EXPERTISE:

Waterfront Parks Planning and Design

Pedestrian Connectivity to the historic district of South Beach

Urban Design as it relates to integrating the surroundings to South Pointe Park

Environmentally sensitive issues

Construction Drawings, Construction Administration, Project Management

PROJECT MANAGER:

Russell Moore, *Owner*

Over 25 years experience in all facets of parks planning, design, and management including all of RMPK's 25 waterfront park master plans.

SUBCONSULTANTS:

Margie Ruddick Landscape

Philadelphia, PA

ph: 215.247.7290

AREAS OF EXPERTISE:

Landscape Architecture relating to Waterfront Park Design

Integrating Environmental Systems with Rigorous Design

Environmental Art

Framing South Pointe Park into the Urban Fabric of Miami Beach

PRIMARY CONTACT:

Margie Ruddick, *Owner*

Glavovic Studios

Fort Lauderdale, FL 33304

ph: 954.524.5728

AREAS OF EXPERTISE:

Innovative Architectural Design

Conceptual Design Strategies for Master Planning and Building

Assimilating Design Elements to create a Sense of Place

PRIMARY CONTACT:

Margi Glavovic Northard, *Owner*

cont.

ConsulTech

Hollywood, FL 33019

ph: 954.438.4300

AREAS OF EXPERTISE:

Civil Engineering

Construction Management

Surveying and Mapping

PRIMARY CONTACT:

Wilma Hernandez, Vice-President

Michael Singer

Wilmington, VT 05363

ph: 802.464.2781

AREAS OF EXPERTISE:

Public Art as a Collaboration

Understanding Relationships of a Park and its surrounding environments

Indoor and Outdoor Sculpture

PRIMARY CONTACT:

Michael Singer, Owner

Mr. Russell Moore is the founding Partner and Shareholder for The RMPK Group and has been responsible for the design and planning of all large-scale urban and regional planning projects. During his professional practice, Russell has established a reputation for his uncompromising dedication to establishing a clear planning and design process—based upon sound inventory and analysis, the selection of an appropriate final design, and state-of-the-art implementation techniques. Mr. Moore is widely recognized as an outstanding designer and has been responsible for many of the firm's national and state award-winning projects. Following is a partial listing of his project experience

EDUCATION

- Master of Landscape Architecture and Regional Planning, *University of Pennsylvania, Philadelphia*
- Bachelor of Environmental Design *University of Colorado, Boulder*

REGISTRATION

- Registered Landscape Architect *State of Florida, License No 0001441*

PROFESSIONAL AFFILIATIONS

- American Society of Landscape Architects
- American Planning Association
- Committee for Urban Design Guidelines, Denver, Colorado
- Chapter Task Force, Review of Denver Parks and Recreation Master Plan
- Sarasota County Natural Resources and Parks Advisory Board
- Florida Parks & Recreation Association
- Board Member, Florida Redevelopment Association
- American Planning Association
- Urban Land Instructor
- Florida Parks Association
- National Main Street
- Governor's Regional Greenways Council
- Florida Trust for Historic Preservation

AWARDS

- National Award of Merit, American Society of Landscape Architects- Projects: *Boulder Reservoir Master Plan*
Estes Park Urban Design Historic Pueblo Downtown Revitalization Plan
- Denver Urban Design Award- Project: *Civic Center Master Plan*
- Boulder Bikeway Competition- Merit Award Project: *Boulder Urban Bikeways Plan*
- FRA Merit Award- Project: *Dade City Redevelopment Plan*
- FRA Honor Award- Project: *Cape Coral Streetscape*
- FRA Honor Award- Project: *Cocoa Waterfront Park*

PUBLICATIONS

- Broward County Cultural Heritage Plan
- Key Largo Eco-Tourism Plan Corridor Redevelopment Guidelines
- Estes Park Riverfront Master Plan
- Evans Ranch Siting Study
- Green River Open Space Plan
- Adams Rib Environmental Assessment
- Colorado Department of Highways Erosion Control Manual
- Stream Relocation and Fish Habitat Reconstruction Plan
- Boulder Reservoir Master Plan

SELECTED PROJECTS

WATERFRONT PARKS

- Haines City Waterfront Park
- Kissimmee Waterfront Park
- Lake Eva Waterfront Park
- Sarasota Bayfront Park
- Cocoa Downtown Waterfront Park

PARKS

- Pithlatchascotee River Greenway
- New Port Richey Swim Center
- New Port Richey Community Center
- Wilson Water Park
- Boynton Beach Community Center
- Veterans Park
- James E. Grey Preserve
- Davie Linear Park
- Rock Island Greenway Master Plan
- Quick Point Park
- Spring Lake Park
- Englewood Beach Park
- Flagler Ave Beachfront Promenade
- Sarasota Bayfront Master Plan
- Greenacres Park
- Sylvan Park
- Colonial Oaks Park
- Woodmere Park Design
- Carter Road Park Design
- Bay Street Park
- Stuart Park
- Green Bridge Park
- Broad Street Park
- Vineyards Park
- Carmalita Park
- Sims Park
- Moore Haven Park
- Boulder Reservoir Master Plan
- Polk County Regional Park Master Plan
- Gillespi Neighborhood Park
- Community College Park
- Kingdom Park
- Estes Park Riverfront Park
- Lower Boulder Creek Master Plan
- Castaway Island Park
- University of Florida Sports Complex
- Univ. of Florida Soccer Center

PARKS-OPEN SPACE MASTER PLANS

- Sarasota Parks and Connectivity Master Plan
- Mount Dora Parks /Open Space Master Plan
- Key Largo Parks/Open Space Master Plan
- New Port Richey Parks/Open Space Master Plan
- Daytona Beach Parks/Open Space Master Plan
- Lafayette Parks/Open Space Master Plan
- Thornton Parks/Open Space Master Plan
- Westminster Parks/Open Space Master Plan
- Green River Parks/Open Space Master Plan

URBAN DESIGN

- Port St/ Lucie Riverwalk
- State Road 7 Corridor Plan
- Coconut Creek Parkway Corridor Plan
- Rockledge Town Center Plan
- Tarpon Springs Urban Design Plan
- Margate Urban Design Guidelines
- Ormond Beach Corridor Plan
- Sumter Road Streetscape
- Daniels Parkway Streetscape
- Titusville Waterfront
- Sarasota Bayfront Park
- Sarasota Streetscape
- Greenacres Streetscape
- Cape Coral Streetscape
- Live Oak Streetscape
- Cocoa Waterfront Park
- Lake Wales Streetscape
- Port St. Joe Waterfront Plan
- Ft. Walton Beach City-wide Plan
- Dade City Redevelopment Plan
- Stuart Redevelopment Plan
- Merritt Park Place Streetscape
- Ormond Beach Streetscape
- State Road 520 Streetscape
- Ft. Walton Beach Urban Design Plan
- Osprey/Hillview Streetscape
- Estes Park Streetscape
- Pueblo Streetscape
- Loveland Streetscape
- Durango Streetscape
- Breckenridge Riverfront

RESOLUTION TO BE SUBMITTED

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139



OFFICE OF THE CITY CLERK

CITY HALL
1700 CONVENTION CENTER DRIVE
TELEPHONE: 673-7411

COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

Subject: BOARD AND COMMITTEES

BACKGROUND:

Attached are the applicants that have filed with the City Clerk's Office for Board and Committee appointments.

ADMINISTRATION RECOMMENDATION:

That appointments be made as indicated.

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Community Development Advisory Committee	14	Commissioner Matti H. Bower Mayor David Dermer	1 1	Page 11
Convention Center Advisory Board	7	Mayor David Dermer	1	Page 15
Convention Center Capital Projects Oversight Com.	7	Mayor David Dermer	1	Page 16

AGENDA ITEM
DATE

R9A
11-10-04

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Design Review Board	7	City Commission	1	Page 18
Fine Arts Board	14	Commissioner Jose Smith	1	Page 19
Hispanic Affairs Committee	7	Mayor David Dermer	1	Page 24
Housing Authority	5	Mayor David Dermer	1	Page 26
Miami Beach Commission on Status of Women	21	Commissioner Jose Smith	1	Page 29
Miami Beach Florida Sister Cities	24	Mayor David Dermer	4	Page 32
Parks and Recreational Facilities Board	10	Mayor David Dermer	1	Page 35
Personnel Board	10	City Commission	1	Page 36

AGENDA ITEM _____
DATE _____

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
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Attached is breakdown by Commissioner or City Commission:


JMG:REP/lg

City Commission Committees

Committee	Position	First Name	Appointed by	Appointed
Finance & Citywide Projects Committee				
	Liaison	Patricia Walker	Mayor Dermer	11/25/03
	Alternate	Commissioner Simon Cruz	Mayor Dermer	11/25/03
	Vice-Chair	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
Land Use & Development Committee				
	Liaison	Jorge Gomez	Mayor Dermer	11/25/03
	Alternate	Commissioner Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Saul Gross	Mayor Dermer	11/25/03
	Chairperson	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
Neighborhood/Community Affairs Committee				
	Liaison	Vivian Guzman	Mayor Dermer	11/25/03
	Alternate	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
	Member	Commissioner Saul Gross	Mayor Dermer	11/25/03

NON-CITY COMMISSION COMMITTEES

Commissioner Matti Herrera Bower

- Miami Beach Transportation Management Association (TMA)
- Dade Cultural Alliance
- Tourist Development Council
- Performing Arts Center Trust (PACT)

Commissioner Luis R. Garcia, Jr.

- Unclassified Employees and Elected Officials Retirement System
- Greater Miami Convention and Visitors Bureau

Commissioner Jose Smith

- Metropolitan Planning Organization

Commissioner Richard L. Steinberg

- Miami-Dade County Homeless Trust Board - Appointed by Miami-Dade League of Cities
- Miami-Dade League of Cities


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C: MDB
BP
LC



**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

FROM: SIMON CRUZ 
COMMISSIONER

DATE: JULY 9, 2004

**RE: MARCELO LLORENTE NOMINATION TO THE
PERSONNEL BOARD**

Please place on the July 28th, 2004 City Commission Agenda an item nominating Mr. Marcelo Llorente to the Personnel Board. His application and resume has been provided to the City Clerk's office.

SC/ml

Agenda Item R9A1
Date 11-10-04

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C: MDB
LC



**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

**FROM: SAUL GROSS *SG*
COMMISSIONER**

DATE: JULY 21, 2004

**RE: ALEX DEGASPERI NOMINATION TO THE
PERSONNEL BOARD**

Please place on the July 28th, 2004 City Commission Agenda an item nominating Mr. Alex DeGasperi to the Personnel Board. His application and resume has been provided to the City Clerk's office.

SC/ml

Agenda Item R9A2
Date 11-10-04

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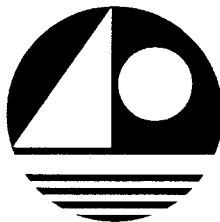
R9 - New Business and Commission Requests

R9B(1)	Dr. Stanley Sutnick Citizen's Forum.	(1:30 p.m.)
R9B(2)	Dr. Stanley Sutnick Citizen's Forum.	(5:30 p.m.)

AGENDA ITEM R9B1+2
DATE 11-10-04

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*c: CMC
Gomez
LC*



**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

**FROM: LUIS R. GARCIA JR.
COMMISSIONER**

Luis R. Garcia Jr.

DATE: OCTOBER 21, 2004

RE: AGENDA ITEM

Please place as a discussion item on the November 10th Commission agenda the historic designation status of the 20th Street monument.

Thank you.

Agenda Item R9C
Date 11-10-04

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



REDEVELOPMENT AGENCY MEMORANDUM

To: Chairman David Dermer and
Members of the Miami Beach Redevelopment Agency

Date: November 10, 2004

From: Jorge M. Gonzalez
Executive Director

Subject: STATUS REPORT ON CLOSING DOCUMENTS BETWEEN THE CITY OF MIAMI BEACH, THE MIAMI BEACH REDEVELOPMENT AGENCY AND RDP ROYAL PALM HOTEL LIMITED PARTNERSHIP ("RDP")

ANALYSIS

On November 25, 2003, the City Commission and the RDA Board adopted Resolution No. 463-2003 authorizing execution of a Letter of Intent and preparation of closing documents in connection with the City's negotiations with the RDP. This report is provided due to recent inquiries from the City Commission as to the status of closing.

From January 2004 - May 2004, the parties met on numerous occasions to finalize closing documents. On May 26, 2004, the City forwarded final changes to the documents and set forth the remaining items that needed to be addressed. A copy of same is attached to this memorandum.

Issues were raised by RDP's Lender during preparation of closing documents concerning Deferred Rental and the Special Indemnification clauses, in the event of a foreclosure or deed in lieu of foreclosure by the Recognized Mortgagee.

Deferred Rental

The current LOI provided that upon sale or transfer, any and all deferred and/or unpaid rental and the 8% return would become due and payable. A foreclosure transfer would trigger this provision and therefore, it was unacceptable to the Lender. In an effort to find a compromise, the parties agreed that a sale of Leasehold by the Lender to a third party (resulting from a foreclosure transfer to Lender) would cause the rent deferral to end, but accrued deferred rent would continue to be payable as if RDP continues to own the Leasehold.

Special Indemnification

RDP, as Tenant, agreed to indemnify and hold harmless the City for matters arising from any challenges to the LOI or closing documents. Again, in the event of a foreclosure, the Bank, as a foreclosure transferee, is unwilling to accept this responsibility for this special indemnification. Therefore, the closing documents will reflect that this is solely RDP's obligation to provide this special indemnification, which will survive a sale or transfer.

Agenda Item

R9D

Date

11-10-04

The aforementioned changes have been incorporated into the Closing Documents. Since June, the parties have not met to finalize the other pending issues, despite repeated requests from the City. In September, Don Peebles stated he would contact the City shortly to finalize all outstanding issues.

On November 5, 2004, the City forwarded the revised documents and outlined all pending issues to Mr. Peebles and advised that a discussion item had been scheduled on the November 10, 2004 City Commission agenda regarding the status of closing. The letter further set forth a deadline to close, which would be prior to December 8, 2004, the last City Commission meeting of the year.

JMG/CMC/rar

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



Office of the City Manager
Jorge M. Gonzalez

Telephone 305 673-7010
Facsimile 305 673-7782

November 5, 2004

Via U.S. Mail and E-mail

R. Donahue Peebles
RDP Royal Palm Hotel, L.P.
c/o Peebles Atlantic Development Corporation
550 Biltmore Way, Suite 970
Coral Gables, Florida 33134

Re: Closing Documents pursuant to Letter of Intent to Amend Royal Palm Crowne Plaza Resort Agreement, dated November 25, 2003 (LOI)

Dear Don:

As you know, the City has completed its review of the proposed Closing Documents pursuant to the LOI. The City's counsel, Joel N. Minsker, previously provided your counsel, Stuart K. Hoffman, as well as counsel for Union Planters Bank, Steve Goldman, with the City's latest comprehensive changes in Mr. Minsker's e-mail to Mr. Hoffman dated July 19, 2004. As Mr. Minsker notes in that e-mail that he has not received any comments on the pending Closing Documents since May 26, 2004, I am hereby re-attaching the July 19, 2004 e-mail for your consideration.

As Mr. Minsker also noted in his July 19, 2004 e-mail to Mr. Hoffman, there were outstanding issues that were raised by Mr. Goldman (on behalf of Union Planters Bank) with respect to the Closing Documents; specifically regarding the Bank's suggested revisions to the Second Amendment. The City herein responds as follows:

- 1) The Goldman changes we agreed to are incorporated in the Minsker Comprehensive Handwritten Changes attached to the Minsker July 19, 2004 e-mail.
- 2) As to suggested revision deleting Paragraph 2(g) of the Second Amendment, the City does not concur with the deletion of subsection (g), and the language must remain in the Second Amendment.
- 3) As to Paragraph 2(j) of the Second Amendment, regarding the Bank's position that the Indemnification Agreement referenced therein between the RDA (Owner), the City, and Tenant, is exclusive to RDP and should not extend to require a future Tenant under the Lease Agreement to indemnify the RDA and the City, the City, in the spirit of good faith and in order to finalize and expedite closing of this transaction, agrees to revise said subsection (j) as follows:
 - (j) In addition to the Tenant's obligations for indemnification contained in Section 20.1 ~~Tenant~~ RDP has obligations contained in that certain Indemnification Agreement of even date herewith by and between Owner, City of Miami Beach and ~~Tenant~~ RDP.

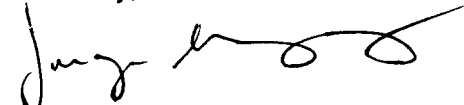
The aforestated City responses address Mr. Goldman and Union Planter's comments, and effectively conclude the City's review of the Closing Documents pursuant to the LOI. That being said, the only pending matter is your and Mr. Hoffman's comments to the remaining pending issues addressed in Mr. Minsker's July 19, 2004 e-mail.

It is now almost a year since the Mayor and City Commission approved the LOI and authorized the parties to proceed with drafting of the Closing Documents and finalizing this transaction. Quite frankly, Mr. Minsker's comprehensive changes should have been addressed by now--notwithstanding the pending resolution of Steve Goldman's changes on behalf of Union Planters Bank. To that end, given that the City has completed its review; that the parties have resolved Mr. Goldman's and Union Planters Bank outstanding issues; and that we have not heard from you or your counsel with regard to comments on Mr. Minsker's most recent (and final) revisions to the Closing Documents (as stated in the July 19, 2004 e-mail); it is imperative that we finalize and close on this transaction as soon as possible.

The City stands ready, willing and able to meet with you to finalize closing of the above-referenced transaction. As this matter has been pending for a year, it is critical that we move toward finalizing closing. To that end, the City will require that the above-referenced transaction be closed on or before December 3, 2004.

Please provide us with your final comments to Mr. Minsker's comprehensive changes and/or advise us whether it would be preferable for you to meet and finalize same with the City's representative and its attorneys in one final short drafting session. I think I can speak for all of the parties involved when I say closing of this matter is long overdue and a mutual resolution and closing of this transaction has now become critical.

Sincerely,



Jorge M. Gonzalez
City Manager

c: Murray H. Dubbin, City Attorney
Christina Cuervo, Assistant City Manager
Joel N. Minsker, Esquire
Commission Jose Smith
Steve Goldman, Esquire

F:/cmgr/\$all/jorgegon/letters/Royal Palm Closing Documents -- Peebles.doc



RECEIVED

2004 NOV -4 AM 10:41

CITY MANAGER'S OFFICE
BY _____

C: Bob
Fred
Lili

**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

**FROM: SIMON CRUZ
COMMISSIONER**

SC/sm

DATE: NOVEMBER 4, 2004

**RE: AGENDA ITEM FOR COMMISSION MEETING OF
NOVEMBER 10, 2004**

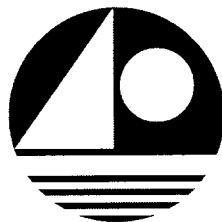
Please place on the November 10, 2004 Commission meeting an agenda item for discussion and action on the straw ballot question regarding Baylink and the 63rd Street flyover.

SC/sm

Agenda Item R9E
Date 11-10-04

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C: Bob
Little



CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE M. GONZALEZ
CITY MANAGER

FROM: LUIS R. GARCIA JR.
COMMISSIONER

DATE: NOVEMBER 4, 2004

RE: BAY LINK VIDEO

[Handwritten signature of Luis R. Garcia Jr.]

The people have spoken!

After the outcome of the recent election of Bay Link, I am again requesting that the informational video I provided be played in our City's channel #20. However, if you have reservations, consider this memo a request to place this item for discussion at the upcoming Commission meeting of November 10, 2004.


Thank you.

Agenda Item R9F
Date 11-10-04

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**OFFICE OF THE CITY ATTORNEY
CITY OF MIAMI BEACH**

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge Gonzalez

FROM: Murray H. Dubbin
City Attorney 

SUBJECT: Notice of Closed Executive Session

DATE: October 26, 2004

Pursuant to Section 286.011, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on November 10, 2004 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss settlement on the following cases:

Norman and Joan Ciment vs. City of Miami Beach. Circuit Court of the
Eleventh Judicial Circuit of Florida, Case No. 01-802 CA32

The following individuals will be in attendance: Mayor David Dermer; Members of the Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Don Papy, First Assistant City Attorney Debora Turner and First Assistant City Attorney Gary Held.

Agenda Item R10A
Date 11-10-04

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R10 - City Attorney Reports

R10B Notice Of Closed Executive Session.

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On November 10, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, For Discussion Regarding The Status Of Communications Workers Of America (CWA) Negotiations.


(City Manager's Office)

AGENDA ITEM R10B
DATE 11-10-04

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**OFFICE OF THE CITY ATTORNEY
CITY OF MIAMI BEACH**

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge Gonzalez

FROM: Murray H. Dubbin 
City Attorney

SUBJECT: Notice of Closed Executive Session

DATE: November 3, 2004

Pursuant to Section 286.011, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on November 10, 2004 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss settlement on the following case:

City of Miami Beach v. Miami-Dade County, Micky Biss and USA Express, Inc. Third District Court of Appeal, Case No. 3D04-1589, Lower Case No. 03-682 AP

Micky Biss and USA Express, Inc. v. City of Miami Beach. 11th Judicial Circuit Court. Case No. 04-18560 CA 11

Micky Biss and USA Express, Inc. v. City of Miami Beach. 11th Judicial Circuit Court. Case No. 01-11865 CA 10

The following individuals will be in attendance: Mayor David Dermer; Members of the Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorneys Debora J. Turner and Gary Held.

Agenda Item R10C
Date 11-10-04

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City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: November 10, 2004

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez

FROM: Murray H. Dubbin
City Attorney *M H Dubbin*

SUBJECT: City Attorney's Status Report

I. LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT

1. Deutsche Bank National Trust Company, as Trustee of Argent Securities, Inc. asset backed pass through certificates, series 2003-W3 under the pooling and servicing agreement dated as of September 1, 2003, without recourse vs. Morris Kleiman, et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-20931 CA20

This is a mortgage foreclosure case for real property located at 2301 Collins Avenue, Unit 508, Miami Beach, Florida. New owner of the Roney Palace paid all current utilities and all violations on building, however, monies for Resort Tax and Certificate of Use are owed to the City by Morris Kleiman, as a multiple unit owner. An Answer was filed on October 13, 2004.

2. Deutsche Bank vs. Morris Kleiman, et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-21674 CA31

This is a mortgage foreclosure case for real property located at 2301 Collins Avenue, Unit 737, Miami Beach, Florida. New owner of the Roney Palace paid all current utilities and all violations on building, however, monies owed for Resort Tax and Certificate of Use are

Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez
Page 2
November 10, 2004

owed to the City by Morris Kleiman, as a multiple unit owner. An Answer was filed on October 20, 2004.

3. Mickey Biss and USA Express, Inc., a Florida corporation, vs. City of Miami Beach, a municipal corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-18560 CA11

This case challenges three ordinances implementing the Settlement Agreement approved by the City Commission on July 28, 2004, between the City and the Portofino and Related Entities concerning property they own in South Beach and development rights pertaining to such property. Mr. Biss' challenge is based on alleged inconsistencies between the ordinances and the City's comprehensive plan. The City has received an extension of time to respond to the Complaint while efforts to resolve the dispute are underway between the parties.

4. Mortgage Electronic Registration System, Inc. vs. Morris Kleiman, et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-21605 CA05

This is a mortgage foreclosure case for real property located at 2301 Collins Avenue, Unit 637, Miami Beach, Florida. New owner of the Roney Palace paid all current utilities and all violations on building, however, monies owed for Resort Tax and Certificate of Use are owed to the City by Morris Kleiman, as a multiple unit owner. An Answer will be filed by November 9, 2004.

5. Sigrid Boldt vs. The City of Miami, the City of Miami Beach, Florida Department of Transportation, and Central Florida Equipment Rentals, Inc. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-22169 CA06

The City was served with this complaint on October 26, 2004, wherein the Plaintiff alleges that on September 1, 2002, plaintiff tripped and fell at Collins Avenue between 26 Street and 27th Street allegedly on a poor surface condition of ground thus causing a hole on the sidewalk. She alleges to have sustained injuries which are unknown at this time. An answer and affirmative defenses will be timely filed and discovery propounded

Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez
Page 3
November 10, 2004

6. Maita Parking Corp., a Florida corporation vs. Planning Board for the City of Miami Beach, a duly authorized Board of the City of Miami Beach, a municipal corporation and the City of Miami Beach. Eleventh Judicial Circuit, Appellate Division, Case No.04-548 AP

This petition for writ of certiorari challenges a condition in a recent decision of the Planning Board that requires the upgrading of landscaping in a parking lot which was the subject of an application to operate past midnight. As of this writing, an order to show cause to the City has not as yet been issued that would initiate a briefing scheduling for the case. The Planning Department advises that the property owner may also be considering returning to the board for its reconsideration of the condition. The petition attacks the condition as beyond the authority of the Planning Board to impose under the circumstances.

7. Flavio Gandolfo vs. City of Miami Beach. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-22606 CA08

The City was served with this complaint on November 2, 2004, wherein the Plaintiff alleges that on March 22, 2003. A city employee while engaged in the performance of his duties, and acting within the course and scope of his employment was operating a City vehicle and struck Plaintiff while stopped at a red light on his motorcycle. He alleges to have sustained injuries which are unknown at this time. An answer and affirmative defenses will be timely filed and discovery propounded.

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

Subject: PARKING STATUS REPORT

The following comments serve to preface attended parking facilities (garages and lots) performance for the month of August 2004. In August 2004, gross revenues at attended facilities (garage and lots) increased by 0.98% as compared to the prior year's period.

During the month of August 2004, the Parking Department's attended locations earned a net profit of \$444,348.08. This is a decrease in net profit of \$32,876.65 or 6.89% as compared to the same period in the prior year.

A) 17th Street Municipal Parking Garage: August 2004

During the month of August 2004, the 17th Street Garage had net revenues of \$170,327.29. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$57,060.00, transient parking revenues of \$106,967.29, and valet rental fees of \$6,300.00. Net revenues increased from \$165,976.89 in 2003, to \$170,327.29 in 2004; a 2.62% increase in net revenues. After subtracting operating expenses of \$89,969.41 the facility had a net profit for the month in the amount of \$80,357.88. This represents a decrease in net profit for the facility in the amount of \$15,304.04 or 16.00% when compared to the same period in the previous year. This decrease is primarily attributable to an increase in attendant cashier labor expenses of \$13,365.75.

B) 7th Street Municipal Parking Garage: August 2004

During the month of August 2004, the 7th Street Municipal Parking Garage had net revenues of \$171,022.43. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$13,800.00 and transient parking revenues of \$157,222.43. When compared to the same month in the prior year (August 2003), net revenues decreased from \$192,071.59 in 2003, to \$171,022.43 in 2004; a 10.96% decrease in net revenues. After subtracting operating expenses of \$61,994.24 and debt service of \$59,500.00 the facility had a net profit for the month in the amount of \$49,528.19. This is a decrease in net profit of \$20,247.80 or 29.02% as compared to the same period in the previous year. This decrease is primarily attributable to a decrease in transient parking revenues of \$21,649.16.

Agenda Item B

Date 11-10-04

The 7th Street Garage served a total of 36,748 parkers in the month of August, 2004.

C) 5-A Municipal Surface Parking Lots (Washington Avenue to Pennsylvania and 17th Street): August 2004

During the month of August 2004, the 5-A Surface Lots had net revenues of \$141,292.91. Net revenues are comprised of facility-specific access-card revenues of \$17,520.00 and transient parking revenues of \$123,772.91. When compared to the same period in the prior year (August 2003), net revenues increased from \$126,993.27 in 2003, to \$141,292.91 in 2004; representing an 11.26% increase in net revenues. After subtracting operating expenses of \$29,479.35, the facility had a net profit for the month in the amount of \$111,813.56. This is an increase in net profit of \$6,510.23 or 6.18% from August 2003. This increase is primarily attributable to an increase in transient parking revenues of \$13,339.64 that was partially offset by an increase in attendant cashier labor expenses of \$6,421.64. The 5-A Municipal Surface Parking Lot served a total of 42,521 parkers in the month of August, 2004.

D) 12th Street Municipal Parking Garage: August 2004

During the month of August 2004, the 12th Street Garage had net revenues of \$35,576.60. Net revenues are comprised of facility-specific monthly parking revenues of \$5,100.00 and transient parking revenues of \$30,476.60. When compared to the same month in the prior year (August 2003), net revenues decreased from \$36,646.72 in 2003, to \$35,576.60 in 2004; a 2.92% decrease in net revenues. After subtracting operating expenses of \$24,062.24 the facility had a net profit for the month in the amount of \$11,514.36. This is a decrease in net profit of \$5,843.75 or 33.67%. This decrease is primarily attributable to an increase in elevator maintenance expenses of \$3,920.33. The 12th Street Garage served a total of 5,252 parkers in the month of August 2004.

E) 13th Street Municipal Parking Garage: August 2004

During the month of August 2004, the 13th Street Garage had net revenues of \$40,249.35. Net revenues are comprised of facility-specific monthly parking permit revenues of \$8,340.00 and transient parking revenues of \$31,909.35. Compared to the same month in the prior year (2003), net revenues decreased from \$60,019.62 in 2003, to \$40,249.35 in 2004; representing a 32.94% decrease in net revenues. After subtracting operating expenses of \$36,314.24, the facility had a net profit for the month in the amount of \$3,935.11. This is a decrease in net profit of \$23,560.77 or 85.69% from August 2003 and is primarily attributable to a decrease in transient parking revenues of \$20,310.27. This decrease in transient revenue is primarily attributed to a temporary reduction of 94 parking spaces within the facility due to an emergency structural repair. The structural repair has since been completed. For informational purposes, at no time was there a threat to public safety. The structural repair was contained and repaired. The 13th Street Garage served a total of 8,791 parkers in the month of August 2004.

F) 16th Street-Anchor Parking Garage: August 2004

During the month of August, 2004, the 16th Street Garage had net revenues of \$165,690.19. Net revenues are comprised of facility-specific monthly parking revenues of \$27,800.00, transient parking revenues of \$100,280.84, and valet rental fees of \$37,609.35. Compared to the same month in the prior year (2003), net revenues increased from \$126,095.56 in 2003, to \$165,690.19 in 2004; representing a 31.40% increase in net revenues. After subtracting operating expenses of \$47,691.26 the facility had a net profit for the month in the amount of \$117,998.93. This is an increase in net profit of \$34,391.46 or 41.13% from August 2003 and is primarily attributable to an increase in transient parking revenues of \$21,339.95 and an increase in valet rental fees at the Loews's Hotel of \$15,788.79. The 16th Street Garage served a total of 24,806 parkers in the month of August, 2004.

G) 42nd Street Municipal Parking Garage: August 2004

During the month of August, 2004, the 42nd Street Garage had net revenues of \$28,282.80. Net revenues are comprised of facility-specific monthly parking revenues of \$24,480.00 and transient parking revenues of \$3,802.80. Compared to the same month in the prior year, 2003, net revenues decreased from \$37,328.05 in 2003, to \$28,282.80 in 2004; representing a 24.23% decrease in net revenues. After subtracting operating expenses of \$18,582.75 the facility had a net profit for the month in the amount of \$9,700.05. This is a decrease in net profit of \$8,821.98. This decrease is primarily attributable to a decrease in monthly parking revenues of \$10,020.00. The 42nd Street Garage served a total of 14,883 parkers in the month of August, 2004.

H) Electronic Parking Meter Revenue Comparison: August 2004

This statement compares parking meter revenue collected in August 2004, with revenue collected in August 2003. When comparing revenues for August 2004 in the amount of \$851,349.16 to revenues for August 2003 in the amount of \$789,145.77, the report reflects an increase of \$62,203.39 or 7.88% in revenues collected. Meter revenue collected does not reflect the change in monthly decal parkers (both commercial and residential), valet rental or construction rental of meters, or metered surface lots either taken out of service, or managed differently than the previous year. In the month of August 2004 decal and permit revenue received was \$90,106.66 and meter rental revenue (valet, construction, and special events) was \$87,679.73 versus \$69,803.86 and \$113,891.80 respectively in August 2003. The combined total revenue produced at meters for the month of August 2004 was \$1,029,135.55. This reflects an increase from the previous year in the amount of \$56,294.12 or 5.79%.

I) Parking and Transportation Smart Card Sales: August 2004

In the month of August 2004, the Parking Department sold 2,041 Parking Meter Cards to merchants, vendors, hoteliers, and the public, for revenues in the amount of \$52,170.00.

J) Hotel Hangtag Sales: August 2004

In the month of August 2004, the Parking Department sold 3,100 hotel hangtags to hoteliers in the amount of \$18,600.00.

K) Multi-Space Parking Meter Pilot Program: August 2004

Parkeon (formerly known as Schlumberger-Sema), at no cost to the City, has provided six (6) multi-space parking meters on an experimental basis for an on-street (Ocean Drive) and off-street (777-17th Street Lot) application. Both applications are configured in a "pay-and-display" mode. Upon receipt of payment, the multi-space meter issues a receipt that is displayed on the vehicles' dashboard. The multi-space meters were installed in January 2003. Year to date the multi-space meters on Ocean Drive have yielded a 12.37% increase over the prior year and the machine installed in the parking lot at 777 17th Street has earned a 5.57% increase.

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JMG/CMC/SF/A


**CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY
August 2004**

LOCATION	REVENUE			EXPENSES			PROFIT/(LOSS)		
	2003 August	2004 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	2003 August	2004 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	2003 August
17 St. Garage	165,976.89	170,327.29	4,350.40	2.62%	70,314.97	89,969.41	19,654.44	27.95%	80,357.88
7th St. Garage	192,071.59	171,022.43	(21,049.16)	-10.96%	62,795.60	61,994.24	(801.36)	-1.28%	109,028.19
17th St. Lots	126,993.27	141,292.91	14,299.64	11.26%	21,689.94	29,479.35	7,789.41	35.91%	111,813.56
12th St. Garage	36,646.72	35,576.60	(1,070.12)	-2.92%	19,288.61	24,062.24	4,773.63	24.75%	11,514.36
13th St. Garage	60,019.62	40,249.35	(19,770.27)	-32.94%	32,523.74	36,314.24	3,790.50	11.65%	3,935.11
42nd St. Garage	37,328.05	28,282.80	(9,045.25)	-24.23%	18,806.02	18,582.75	(223.27)	-1.19%	9,700.05
16th St. - Anchor	126,095.56	165,690.19	39,594.63	31.40%	42,488.09	47,691.26	5,203.17	12.25%	117,998.93
Totals	745,131.70	752,441.57	7,309.87	0.98%	267,906.97	308,093.49	40,186.52	15.00%	444,348.08
									34,391.46
									(32,876.65)

Revenue Per Space	Expenses Per Space	Profit/(Loss) Per Space
116.66	61.62	55.04
264.74	95.97	168.77
279.24	58.26	220.98
265.50	179.57	85.93
209.63	189.14	20.50
45.62	29.97	15.65
206.34	59.39	146.95

The 17th Street Garage has 1,460 spaces.
The 7th Street Garage has 646 spaces.
The 17th Street Lots have 506 spaces.
The 12th Street Garage has 134 spaces.
The 13th Street Garage has 192 spaces. *
The 42nd Street Garage has 620 spaces.
The 16th Street - Anchor Garage has 803 spaces.

Note: * While, the 13th Street Garage does have 266 total spaces, during the month of August 2004, 94 spaces were unable to be used as the fourth floor and roof were closed due to structural problems with the fourth floor ramp. Therefore, only 192 spaces were utilized during August 2004

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY - Year To Date
October 2003 - August 2004**

LOCATION	REVENUE			Percent of Increase/ (Decrease)	EXPENSES			Percent of Increase/ (Decrease)	PROFIT/(LOSS)			Percent o Increase (Decrease)
	2003 August YTD	2004 August YTD	Increase/ (Decrease)		2003 August YTD	2004 August YTD	Increase/ (Decrease)		2003 August YTD	2004 August YTD	Increase/ (Decrease)	
17 St. Garage	2,137,648.97	2,251,891.77	114,242.80	5.34%	797,126.06	869,797.51	72,671.45	9.12%	1,340,522.91	1,382,094.26	41,571.35	3.10
7th St. Garage	1,894,644.11	1,920,864.40	26,220.29	1.38%	604,470.47	604,272.26	(198.21)	-0.03%	1,290,173.64	1,316,592.14	26,418.50	2.05
17th St. Lots	1,517,745.17	1,722,964.27	205,219.10	13.52%	283,932.74	280,675.73	(3,257.01)	-1.15%	1,233,812.43	1,442,288.54	208,476.11	16.90
12th St. Garage	376,413.63	378,060.86	1,647.23	0.44%	203,602.91	201,944.27	(1,658.64)	-0.81%	172,810.72	176,116.59	3,305.87	1.91
13th St. Garage	641,644.56	642,915.66	1,271.10	0.20%	345,035.33	335,814.59	(9,220.74)	-2.67%	296,609.23	307,101.07	10,491.84	3.54
42nd St. Garage	415,253.43	418,679.41	3,425.98	0.83%	178,533.84	181,195.88	2,662.04	1.49%	236,719.59	237,483.53	763.94	0.32
16th St. - Anchor	310,852.45	1,662,835.94	1,351,983.49	434.93%	107,960.67	466,975.30	358,964.63	332.50%	202,891.78	1,195,910.64	993,018.86	489.43
Totals	7,294,202.32	8,998,212.31	1,704,009.99	23.36%	2,520,662.02	2,940,625.54	419,963.52	16.66%	4,773,540.30	6,057,586.77	1,284,046.47	26.90

	Revenue Per Space	Expenses Per Space	Profit/(Loss) Per Space	
17 St. Garage	1,542.39	595.75	946.64	The 17th Street Garage has 1,460 spaces.
7th St. Garage	2,973.47	935.41	2,038.07	The 7th Street Garage has 646 spaces.
17th St. Lots	3,405.07	554.70	2,850.37	The 17th Street Lots have 506 spaces.
12th St. Garage	2,821.35	1,507.05	1,314.30	The 12th Street Garage has 134 spaces.
13th St. Garage	2,247.96	1,174.18	1,073.78	The 13th Street Garage has 286 spaces. *
42nd St. Garage	675.29	292.25	383.04	The 42nd Street Garage has 620 spaces.
16th St. - Anchor	2,070.78	581.48	1,489.30	The 16th Street - Anchor Garage has 803 spaces.

Note: * While, the 13th Street Garage does have 286 total spaces, during the month of August 2004, 94 spaces were unable to be used as the fourth floor and roof were closed due to structural problems with the fourth floor ramp. Therefore, only 192 spaces were utilized during August 2004.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Garage - 2G
August 2004**

LOCATION	ACCOUNTING CODE	2003 August	2004 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
17th Street Garage - 2G						
Revenue						
Revenue- Ticket	480-8000-344583	106,516.89	106,967.29	450.40		
Revenue - Valet	480-8000-344583	6,300.00	6,300.00	0.00		
Revenue- Monthly Permits	480-8000-344514	<u>53,160.00</u>	<u>57,060.00</u>	<u>3,900.00</u>		
	17th Street - 2G REVENUE (Sales Tax Excluded)	165,976.89	170,327.29	4,350.40	2.62%	\$116.66
Expenses						
Security Personnel		20,599.69	19,972.49	(627.20)	(1).	
Attendant/Cashier Labor		34,812.81	48,178.56	13,365.75	(2).	
FP&L		6,473.39	6,473.39	0.00	(3).	
Revenue Control Equipment Maintenance		1,851.67	9,060.56	7,208.89	(4).	
Armed Guard Revenue Pickup		525.00	420.00	(105.00)		
Elevator Maintenance		613.00	425.00	(188.00)		
Landscape Maintenance		108.33	108.33	0.00		
Garage Cleaning/Maintenance		<u>5,331.08</u>	<u>5,331.08</u>	<u>0.00</u>		
	17th St. Garage - 2G EXPENSES	70,314.97	89,969.41	19,654.44	27.95%	\$61.62
	17th St. Garage PROFIT/(LOSS)	95,661.92	80,357.88	(15,304.04)	-16.00%	\$55.04
Number of Spaces						1460

Notes:

The 17th Street Garage has 1460 spaces. Approximately 40% of the annual revenue is from monthly parkers including valet rentals. The remainder of income is derived from Lincoln Road, Conventions, TOPA, and the New World Symphony.

(1). August 2003 Security Personnel cost is comprised of 1678.87 total labor hours. While, August 2004 Security Personnel cost is comprised of only 1627.75 total labor hours.

(2). August 2003 Attendant/Cashier labor cost is comprised of only 3,160.50 total labor hours. While, August 2004 Attendant/Cashier labor cost is comprised of 4,335.00 total labor hours.

(3). August 2003 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through February 2003. Additionally, August 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is a previously established estimate.

(4). August 2003 Revenue Control Equipment Maintenance reflects the monthly service charge of \$1,666.67, and an additional prorated charge of \$7,393.89 for the purchase of garage access cards.

**City of Miami Beach
Parking Department
Daily Revenue Report
17th Street Garage - 2G**

August 2004

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Sunday	1,840	00:00 - 00:59	425	3,694.39
2	Monday	1,599	17:00 - 17:59	294	1,385.05
3	Tuesday	1,711	17:00 - 17:59	295	1,414.02
4	Wednesday	1,971	17:00 - 17:59	341	2,125.23
5	Thursday	1,998	17:00 - 17:59	327	2,150.47
6	Friday	2,785	21:00 - 21:59	427	5,253.27
7 *	Saturday	2,711	22:00 - 22:59	556	5,495.33
8	Sunday	2,050	11:00 - 11:59	460	3,857.94
9	Monday	1,697	17:00 - 17:59	272	1,636.45
10	Tuesday	1,786	08:00 - 08:59	520	6,828.04
11	Wednesday	2,653	08:00 - 08:59	536	5,078.50
12	Thursday	2,047	17:00 - 17:59	306	2,313.08
13	Friday	2,454	13:00 - 13:59	235	3,057.01
14	Saturday	2,710	22:00 - 22:59	527	6,299.07
15	Sunday	1,992	00:00 - 00:59	431	3,814.95
16	Monday	1,724	17:00 - 17:59	282	1,626.17
17	Tuesday	1,789	17:00 - 17:59	303	1,744.86
18	Wednesday	982	17:00 - 17:59	748	2,816.82
19	Thursday	2,045	17:00 - 17:59	355	2,894.39
20	Friday	2,458	21:00 - 21:59	334	3,637.38
21	Saturday	2,710	21:00 - 21:59	511	6,098.13
22	Sunday	2,057	00:00 - 00:59	413	4,028.97
23	Monday	1,698	17:00 - 17:59	289	1,654.21
24	Tuesday	1,798	18:00 - 18:59	209	1,564.49
25	Wednesday	2,455	17:00 - 17:59	285	1,667.29
26	Thursday	1,763	17:00 - 17:59	340	2,378.50
27	Friday	2,659	17:00 - 17:59	375	5,003.74
28	Saturday	3,240	23:00 - 23:59	630	8,892.52
29	Sunday	2,564	00:00 - 00:59	537	4,985.05
30	Monday	1,928	17:00 - 17:59	286	1,955.14
31	Tuesday	1,799	17:00 - 17:59	298	1,616.83
	TOTAL	65,673			\$106,967.29
MONTHLY PERMIT REVENUE					\$57,060.00
VALET REVENUE					\$6,300.00
TOTAL NET REVENUE					\$170,327.29

Note: * Lot Counts were unable to be obtained for Saturday, August 7, 2004. Therefore, the above figures are the averages of the three other Saturdays during the month of August 2004.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
7th Street Garage - 1G
August 2004**

LOCATION	ACCOUNTING CODE	2003 August	2004 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
7th Street Garage - 1G						
Revenue						
Revenue-Ticket	142-8000-344404	178,871.59	157,222.43	(21,649.16)		
Revenue-Monthly Permits	142-8000-344404	<u>13,200.00</u>	<u>13,800.00</u>	<u>600.00</u>		
	7th Street - 1G REVENUE (Sales Tax Excluded)	192,071.59	171,022.43	(21,049.16)	-10.96%	\$264.74
Expenses						
Security Personnel		27,128.97	26,852.89	(276.08)		
Attendant/Cashier Labor		17,385.71	22,276.54	4,890.83 (1).		
Landscape Maintenance		7,363.67	918.67	(6,445.00) (2).		
FP&L		3,067.37	3,067.37	0.00 (3).		
Revenue Control Equipment Maintenance		700.00	700.00	0.00		
Garage Cleaning/ Maintenance		4,864.00	4,864.00	0.00		
Armed Guard Revenue Pickup		525.00	420.00	(105.00)		
Elevator Maintenance		1,180.88	2,360.17	1,179.29 (4).		
Surveillance System Maintenance		<u>580.00</u>	<u>534.60</u>	<u>(45.40)</u> (5).		
	7th Street - 1G EXPENSES	62,795.60	61,994.24	(801.36)	-1.28%	\$95.97
	7th St. Estimated Debt Service	59,500.00	59,500.00	0.00	0.00%	\$92.11
	7th St. PROFIT/(LOSS)	69,775.99	49,528.19	(20,247.80)	-29.02%	\$76.67
Number of Spaces						646

Notes:

Generators for this garage are local workers, restaurants, hotels, construction, visitors to SOBE, local beach goers, restaurant patrons, and nightclub patrons.

(1). August 2003 Attendant/Cashier Labor Cost is comprised of only 1,582.50 total labor hours. While, August 2004 Attendant/Cashier Labor cost is comprised of 2,005.75 total labor hours.

(2). August 2003 Landscape Maintenance charge reflects the regular monthly service charge of \$918.67, plus an additional service charge of \$6,445 for the trimming of trees away from power lines.

(3). August 2003 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through February 2003. Additionally, August 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is a previously established estimate.

(4). August 2003 Elevator Maintenance charge reflects the regular monthly service charge of \$985, plus a charge of \$195.88 for an additional service call. August 2004 Elevator Maintenance charge reflects the regular monthly service charge of \$985, plus two additional service calls of \$310.00 and \$1065.17.

(5). August 2003 Surveillance System Maintenance charge reflects the regular monthly service charge of \$495, plus an additional charge of \$85 for camera repairs.

**City of Miami Beach
Parking Department
Daily Revenue Report
7th Street Garage - 1G**

August 2004

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Space Rental Goldman - No Tax	Daily Space Rental Other - Incl. Tax	Daily Revenue Including Tax
1	Sunday	1,562	16:00 - 16:59	294	375.00	75.07	5,385.00
2	Monday	553	08:00 - 08:59	114	375.00	75.07	1,756.00
3	Tuesday	408	14:00 - 14:59	72	375.00	75.07	1,020.00
4	Wednesday	747	15:00 - 15:59	153	375.00	75.07	2,224.00
5	Thursday	554	19:00 - 19:59	89	375.00	75.07	3,680.00
6	Friday	1,345	23:00 - 23:59	257	375.00	75.07	9,442.00
7	Saturday	1,743	23:00 - 23:59	262	375.00	75.07	10,632.00
8	Sunday	1,624	15:00 - 15:50	264	375.00	75.07	6,058.00
9	Monday	862	18:00 - 18:59	156	375.00	75.07	2,936.00
10	Tuesday	887	13:00 - 13:59	160	375.00	75.07	2,580.00
11	Wednesday	978	14:00 - 14:59	174	375.00	75.07	2,959.00
12	Thursday	952	14:00 - 14:59	178	375.00	75.07	2,790.00
13	Friday	1,134	23:00 - 23:59	234	375.00	75.07	7,788.00
14	Saturday	2,153	23:00 - 23:59	326	375.00	75.07	13,467.00
15	Sunday	1,836	16:00 - 16:59	292	375.00	75.07	6,538.00
16	Monday	749	16:00 - 16:59	125	375.00	75.07	2,334.00
17	Tuesday	790	15:00 - 15:59	146	375.00	75.07	2,291.00
18	Wednesday	774	20:00 - 20:59	131	375.00	75.07	2,307.00
19	Thursday	858	13:00 - 13:59	135	375.00	75.07	2,490.00
20	Friday	1,388	23:00 - 23:59	262	375.00	75.07	9,814.00
21	Saturday	2,296	15:00 - 15:59	291	375.00	75.07	13,192.00
22	Sunday	1,831	16:00 - 16:59	300	375.00	75.07	6,978.00
23	Monday	748	11:00 - 11:59	147	375.00	75.07	2,449.00
24 *	Tuesday	795	13:00 - 13:59	123	375.00	75.07	1,995.00
25	Wednesday	773	15:00 - 15:59	115	375.00	75.07	2,243.00
26	Thursday	1,074	19:00 - 19:59	154	375.00	75.07	3,429.00
27	Friday	1,593	22:00 - 22:59	255	375.00	75.07	10,112.00
28	Saturday	2,167	16:00 - 16:59	294	375.00	75.07	12,943.00
29	Sunday	2,046	14:00 - 14:59	306	375.00	75.07	11,970.00
30	Monday	928	00:00 - 00:59	192	375.00	75.07	2,627.00
31	Tuesday	600	14:00 - 14:59	114	375.00	75.07	1,799.00
	TOTAL	36,748			\$11,625.00	\$2,327.25	\$168,228.00

TOTAL GROSS REVENUE	\$11,625.00	\$2,327.25	\$168,228.00
SALES TAX	\$0.00	\$152.25	\$11,005.57
TOTAL NET REVENUE	\$11,625.00	\$2,175.00	\$157,222.43

Monthly Budgeted Revenue Needed to Break Even - FY 03/04 (Includes Debt Service)		\$138,601.25
Less Current Month Net Revenue		\$171,022.43
Over/(Short)		\$32,421.18
Monthly Space Rental		
Goldman Properties - 155	\$11,625.00	No tax included
Other - 29	\$2,327.25	Tax included

Note: * Lot Counts were unable to be obtained for Tuesday, August 24, 2004. Therefore, the above figures are the averages of the four other Tuesdays during the month of August 2004.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Lots - 5A - East and West
August 2004**

LOCATION	ACCOUNTING CODE	2003 August	2004 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
17th Street Lots - 5A East & West						
Revenue						
Revenue-Ticket	480-8000-344515	110,433.27	123,772.91	13,339.64		
Revenue-Monthly Permits	480-8000-344596	<u>16,560.00</u>	<u>17,520.00</u>	<u>960.00</u>		
	17th Street Lots - 5A REVENUE (Sales Tax Excluded)	126,993.27	141,292.91	14,299.64	11.26%	\$279.24
Expenses						
Security Personnel		1,863.20	1,174.86	(688.34) (1).		
Attendant/Cashier Labor		17,265.92	23,687.56	6,421.64 (2).		
Revenue Control Equipment Maintenance		1,666.67	3,722.78	2,056.11 (3).		
Landscape Maintenance		502.67	502.67	0.00		
FP&L		<u>391.48</u>	<u>391.48</u>	<u>0.00</u> (4).		
	17th St. Lots - 5A EXPENSES	21,689.94	29,479.35	7,789.41	35.91%	\$58.26
	17th St. Lots - 5A PROFIT/(LOSS)	105,303.33	111,813.56	6,510.23	6.18%	\$220.98
Number of Spaces						506

Notes:

(1). August 2003 Security Personnel cost is comprised of 151.86 total labor hours. While, August 2004 Security Personnel cost is comprised of only 95.75 total labor hours.

(2). August 2003 Attendant/Cashier Labor cost is comprised of only 1,674.25 total labor hours. While, August 2004 Attendant /Cashier Labor cost is comprised of 2,266.75 total labor hours.

(3). August 2003 Revenue Control Equipment Maintenance reflects the monthly service charge of \$1,666.67, and an additional prorated charge of \$2,056.11 for the purchase of garage access cards.

(4). August 2003 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through February 2003. Additionally, August 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is a previously established estimate.

City of Miami Beach
Parking Department
Day Revenue Report
17th Street Lots - 5A East and West

August 2004

Date	Day	East Total Vehicle Entries	East Daily Ticket Revenue	West Total Vehicle Entries	West Daily Ticket Revenue	TOTAL Daily Ticket Revenue
1	Sunday	735	1,657.01	544	1,042.06	2,699.07
2	Monday	631	1,187.85	271	486.92	1,674.77
3	Tuesday	718	1,262.62	286	449.53	1,712.15
4	Wednesday	749	1,535.51	456	927.10	2,462.61
5	Thursday	788	2,271.96	358	932.71	3,204.67
6	Friday	815	3,398.13	593	2,728.04	6,126.17
7	Saturday	938	3,779.44	1,028	3,267.29	7,046.73
8	Sunday	903	2,067.29	864	1,134.58	3,201.87
9	Monday	754	1,480.37	429	730.84	2,211.21
10	Tuesday	785	2,550.47	401	2,544.86	5,095.33
11	Wednesday	1,006	2,157.94	601	1,335.51	3,493.45
12	Thursday	799	2,132.71	500	1,208.41	3,341.12
13	Friday	811	3,721.50	677	1,841.12	5,562.62
14	Saturday	943	3,911.21	1,030	3,412.15	7,323.36
15	Sunday	905	1,973.83	643	1,200.93	3,174.76
16	Monday	776	1,666.36	368	650.47	2,316.83
17	Tuesday	798	1,611.21	361	656.07	2,267.28
18	Wednesday	304	1,601.87	283	982.24	2,584.11
19	Thursday	798	2,329.91	360	1,276.64	3,606.55
20	Friday	1,003	3,566.36	679	2,677.57	6,243.93
21	Saturday	937	3,924.30	1,021	3,587.85	7,512.15
22	Sunday	900	2,322.43	851	1,588.79	3,911.22
23	Monday	753	1,582.24	474	610.28	2,192.52
24	Tuesday	789	1,631.78	366	687.85	2,319.63
25	Wednesday	300	1,571.03	284	688.79	2,259.82
26	Thursday	645	2,373.83	367	1,276.64	3,650.47
27	Friday	1,006	3,586.92	794	3,523.36	7,110.28
28	Saturday	942	3,989.72	1,029	4,243.93	8,233.65
29	Sunday	1,076	3,757.94	861	3,096.26	6,854.20
30	Monday	828	1,561.68	473	767.29	2,328.97
31	Tuesday	731	1,362.62	403	688.79	2,051.41
	TOTAL	24,866	\$73,528.04	17,655	\$50,244.87	\$123,772.91
MONTHLY PERMIT REVENUE						\$17,520.00
TOTAL NET REVENUE						\$141,292.91

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
12th Street Garage - 2A
August 2004**

LOCATION	ACCOUNTING CODE	2003 August	2004 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
12th Street Garage - 2A						
Revenue						
Revenue-Ticket	480-8000-344504	31,246.72	30,476.60	(770.12)		
Revenue-Monthly Permits	480-8000-344593	<u>5,400.00</u>	<u>5,100.00</u>	<u>(300.00)</u>		
	12th Street - 2A REVENUE (Sales Tax Excluded)	36,646.72	35,576.60	(1,070.12)	-2.92%	\$265.50
Expenses						
Security Personnel		10,299.64	9,365.08	(934.56) (1).		
Attendant/Cashier Labor		7,173.01	8,960.87	1,787.86 (2).		
FP&L		108.54	108.54	0.00 (3).		
Elevator Maintenance		166.67	4,087.00	3,920.33 (4).		
Garage Cleaning/Maintenance		<u>1,540.75</u>	<u>1,540.75</u>	<u>0.00</u>		
	12th Street - 2A EXPENSES	19,288.61	24,062.24	4,773.63	24.75%	\$179.57
	12th Street - 2A PROFIT/(LOSS)	17,358.11	11,514.36	(5,843.75)	-33.67%	\$85.93
Number of Spaces						134

Notes:

The 12th Street Garage achieves 16% of it revenue from permits, the balance is from transients arriving for court appearances, local workers, beachgoers, and nightclub patrons.

(1). August 2003 Security Personnel cost is comprised of 839.426 total labor hours. While, August 2004 Security Personnel cost is comprised of only 763.25 total labor hours.

(2). August 2003 Attendant/Cashier labor cost is comprised of only 694.75 total labor hours. While, August 2004 Attendant/Cashier labor cost is comprised of 857.50 total labor hours.

(3). August 2003 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through February 2003. Additionally, August 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is a previously established estimate.

(4). August 2004 Elevator Maintenance includes regular charge of \$125, plus an additional service charge of \$3,962 to evaluate, repair, and reinstall a valve.

City of Miami Beach
Parking Department
Daily Revenue Report
12th Street Garage - 2A

August 2004

Date	Day	CMB	Armor	P.O	Employee	Court	Best	Hand.	Other	Daily Tickets	TOTAL Entries	Daily Ticket Revenue
1	Sunday	0	0	0	0	0	1	1	2	152	156	1,136.45
2	Monday	1	2	0	2	3	2	0	0	126	136	614.95
3	Tuesday	2	1	1	0	0	0	1	0	110	115	575.70
4	Wednesday	1	3	0	0	0	0	1	5	114	124	543.93
5	Thursday	5	2	0	0	1	0	1	12	167	188	811.21
6	Friday	1	2	2	0	1	0	2	0	215	223	1,437.38
7	Saturday	0	0	4	0	0	0	5	1	179	189	1,370.09
8	Sunday	0	0	0	0	0	0	1	0	114	115	945.79
9	Monday	1	1	1	1	3	0	2	2	128	139	547.66
10	Tuesday	0	1	0	0	1	0	0	0	154	156	674.77
11	Wednesday	0	1	0	0	1	0	1	10	126	139	620.56
12	Thursday	0	1	0	0	0	0	0	1	150	152	811.21
13	Friday	0	2	1	0	1	0	3	0	147	154	1,024.30
14	Saturday	0	2	2	0	1	0	4	3	190	202	1,590.65
15	Sunday	0	1	0	0	0	0	0	0	136	137	1,102.80
16	Monday	0	2	2	0	6	0	0	7	134	151	884.11
17	Tuesday	2	1	1	0	2	0	2	1	125	134	637.38
18	Wednesday	6	1	1	0	2	0	0	3	161	174	857.94
19	Thursday	0	1	2	0	3	0	2	7	174	189	854.21
20	Friday	0	2	1	0	4	0	3	0	221	231	1,437.38
21	Saturday	1	2	1	0	2	0	5	3	219	233	1,702.80
22	Sunday	0	1	0	0	0	0	1	1	124	127	1,000.00
23	Monday	1	1	0	0	4	0	1	0	147	154	738.32
24	Tuesday	3	2	1	0	3	0	1	1	129	140	588.79
25	Wednesday	2	2	0	0	1	0	0	1	154	160	749.53
26	Thursday	0	2	3	1	3	0	2	9	166	186	880.37
27	Friday	0	2	6	0	1	0	3	4	236	252	1,605.61
28	Saturday	1	2	11	0	0	0	5	0	236	255	1,779.44
29	Sunday	2	1	13	0	0	0	0	0	223	239	1,757.01
30	Monday	1	3	1	0	3	0	1	1	148	158	706.54
31	Tuesday	1	2	1	1	0	0	0	24	115	144	489.72
	TOTAL	31	46	55	5	46	3	48	98	4,920	5,252	\$30,476.60
MONTHLY PERMIT REVENUE												\$5,100.00
TOTAL NET REVENUE												\$35,576.60

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
13th Street Garage - 17A
August 2004**

LOCATION	ACCOUNTING CODE	2003 August	2004 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
13th Street Garage - 17A						
Revenue						
Revenue- Ticket	480-8000-344566	52,219.62	31,909.35	(20,310.27)		
Revenue- Monthly Permits	480-8000-344527	<u>7,800.00</u>	<u>8,340.00</u>	<u>540.00</u>	(1).	
	13th Street - 17A REVENUE (Sales Tax Excluded)	60,019.62	40,249.35	(19,770.27)	-32.94%	\$209.63
Expenses						
Security Personnel		13,306.82	12,346.69	(960.13)	(2).	
Attendant/Cashier Labor		14,996.27	18,836.90	3,840.63	(3).	
Landscape Maintenance		216.67	935.67	719.00	(4).	
FP&L		1,404.98	1,404.98	0.00	(5).	
Revenue Control Equipment Maintenance		0.00	750.00	750.00		
Elevator Maintenance		624.00	170.00	(454.00)	(6).	
Armed Guard Revenue Pickup		525.00	420.00	(105.00)		
Garage Cleaning/ Maintenance		<u>1,450.00</u>	<u>1,450.00</u>	<u>0.00</u>		
	13th Street - 17A EXPENSES	32,523.74	36,314.24	3,790.50	11.65%	\$189.14
	13th Street - 17A PROFIT/(LOSS)	27,495.88	3,935.11	(23,560.77)	-85.69%	\$20.50
Number of Spaces *						192

Notes:

The 13th Street Garage achieves 15% of its revenue from permits, the balance is transient revenue. The generators are residents, local workers, construction, visitors to SOBE, beachgoers, and restaurant patrons.

* While, the 13th Street Garage does have 286 total spaces, during the month of August 2004, 94 spaces were unable to be used as the fourth floor and roof were closed due to structural problems with the fourth floor ramp. Therefore, only 192 spaces were utilized during August 2004.

(1). Due to the structural problems on the fourth floor and roof of the Garage, monthly access card sales were halted on Monday, August 9, 2004.

(2). August 2003 Security Personnel cost is comprised of only 1,084.5 total labor hours. While, August 2004 Security Personnel cost is comprised of only 1,006.25 total labor hours.

(3) August 2003 Attendant/Cashier labor cost is comprised of only 1,351.25 total labor hours. While, August 2004 Attendant/Cashier labor cost is comprised of 1,677.50 total labor hours.

(4). August 2004 Landscape Maintenance charge reflects the regular monthly service charge of \$216.67, plus an additional charge of \$719 to clean debris left by homeless individuals living in the bushes surrounding the garage.

(5). August 2003 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through February 2003. Additionally, August 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is a previously established estimate.

(6). August 2003 Elevator Maintenance charge reflects the regular monthly service charge of \$312, plus a payment of \$312 for the June 2003 Elevator Maintenance regular monthly service charge.

**City of Miami Beach
Parking Department
Daily Revenue Report
13th Street Garage - 17A**

August 2004

Date	Day	Residential Decals (Art Deco)	Monthly Permits	Handicap	City Vehicles	Standard Attendants	Armor Security	Best Maintenance	Daily Tickets	TOTAL Entries	Daily Ticket Revenue
1	Sunday	17	44	1	2	4	5	1	367	441	\$2,446.73
2	Monday	22	94	0	3	6	3	0	196	324	1,352.34
3	Tuesday	24	79	1	0	4	3	1	157	269	893.46
4	Wednesday	15	89	0	0	8	3	0	227	342	1,179.44
5	Thursday	20	79	1	1	6	2	0	207	316	974.77
6	Friday	19	87	1	0	8	3	0	203	321	1,180.37
7	Saturday	19	54	1	0	6	5	0	188	273	1,231.78
8	Sunday	23	41	1	0	9	5	0	239	318	1,292.52
9	Monday	20	87	1	0	3	5	1	225	342	1,107.48
10	Tuesday	19	88	2	1	4	1	0	169	284	956.07
11	Wednesday	17	84	1	0	4	1	0	227	334	1,111.21
12	Thursday	16	89	1	0	5	2	0	177	290	983.17
13	Friday	19	83	2	0	9	3	0	56	172	809.35
14	Saturday	14	52	2	1	7	5	1	161	243	889.72
15	Sunday	16	35	4	2	10	4	0	151	222	1,268.22
16	Monday	23	84	0	0	7	3	0	61	178	928.97
17	Tuesday	17	89	1	0	6	2	1	186	302	561.68
18	Wednesday	16	85	2	1	4	2	0	130	240	720.56
19	Thursday	14	100	0	1	5	4	0	105	229	742.99
20	Friday	13	91	0	0	7	3	0	151	265	1,001.87
21	Saturday	17	50	2	1	7	5	3	230	315	1,346.73
22	Sunday	19	46	0	0	5	5	1	261	337	1,124.30
23	Monday	19	86	2	0	5	4	0	137	253	684.11
24	Tuesday	19	90	0	0	6	3	1	183	302	669.16
25	Wednesday	18	84	0	0	4	2	0	132	240	891.59
26 *	Thursday	15	1	1	2	6	2	0	251	278	931.78
27 *	Friday	18	0	2	0	7	2	0	224	253	565.42
28	Saturday	18	56	4	1	6	4	0	172	261	1,198.13
29	Sunday	12	39	2	0	5	5	0	256	319	1,454.21
30	Monday	28	92	0	0	5	3	1	169	298	721.50
31	Tuesday	22	87	0	0	4	2	0	115	230	689.72
	TOTAL	568	2,165	35	16	182	101	11	5,713	8,791	\$31,909.35
MONTHLY PERMIT REVENUE **											\$8,340.00
TOTAL NET REVENUE											\$40,249.35

Note: While, the 13th Street Garage does have 286 total spaces, during the month of August 2004, 94 spaces were unable to be used as the fourth floor and roof were closed due to structural problems with the fourth floor ramp. Therefore, only 192 spaces were utilized during August 2004.

* Lot Count reports were unable to be obtained for Thursday, August 26 and Friday, August 27, 2004. Therefore, the corresponding figures above are averages of the three other Thursdays and Fridays during the month of August 2004.

** While, the 13th Street Garage does have 286 total spaces, during the month of August 2004, 94 spaces were unable to be used as the fourth floor and roof were closed due to structural problems with the fourth floor ramp. Therefore, only 192 spaces were utilized during August 2004. Additionally, due to this problem, access card sales were halted on Monday, August 9, 2004.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
16th Street - Anchor Garage
August 2004**

LOCATION	ACCOUNTING CODE	August 2003 Actual	August 2004 Actual	2004 Actual Over (Under) 2003 Actual	Actual Percent Over (Under)	Revenue / Expense Per Space
16th Street - Anchor Garage						
Revenue						
Revenue- Ticket	463-8000-344911	78,940.89	100,280.84	21,339.95		
Revenue -Valet-Loew's	463-8000-344587	20,904.67	36,693.46	15,788.79		
Revenue- Valet-Royal Palm	463-8000-344587	0.00	915.89	915.89		
Revenue- Monthly Permits	463-8000-344903	26,250.00	27,800.00	1,550.00		
16th St. - Anchor Garage REVENUE (Sales Tax Excluded)		126,095.56	165,690.19	39,594.63	31.40%	\$206.34
Expenses						
Security Personnel		16,779.23	16,536.88	(242.35)		
Attendant/Cashier Labor		15,440.52	15,889.24	448.72		
FP&L		3,800.00	3,800.00	0.00	(1).	
Revenue Control Equipment Maintenance		775.00	775.00	0.00		
Armed Guard Revenue Pickup		525.00	420.00	(105.00)		
Elevator Maintenance		1,561.00	4,787.13	3,226.13	(2).	
Landscap e Maintenance		164.67	190.00	25.33		
Garage Cleaning/Maintenance		3,024.40	4,864.00	1,839.60	(3).	
Sanitation (Waste Removal)		168.27	179.01	10.74		
Fire Alarm Service		250.00	250.00	0.00		
16th St. - Anchor Garage EXPENSES		42,488.09	47,691.26	5,203.17	12.25%	\$59.39
16th St. Garage PROFIT/(LOSS)		83,607.47	117,998.93	34,391.46	41.13%	\$146.95
Number of Spaces						803

Notes:

Garage contract awarded effective June 9, 2003.

(1). August 2003 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through February 2003. Additionally, August 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is a previously established estimate.

(2). August 2003 Elevator Maintenance charge reflects the regular monthly service charge of \$1,015.32, and a charge of \$548.68 for two additional service calls. August 2004 Elevator Maintenance charge reflects the regular monthly service charge of \$1,097.97, and two additional service calls of \$395.25 and \$3,293.91.

(3). August 2003 Garage Cleaning/Maintenance charge reflects the regular monthly service charge of \$2,924.40 and a charge of \$100 for additional pressure cleaning.

**City of Miami Beach
Parking Department
Daily Revenue Report
16th Street - Anchor Garage**

August 2004

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Sunday	902	00:00 - 00:59	185	3,412.15
2	Monday	568	14:00 - 14:59	84	1,233.64
3	Tuesday	538	14:00 - 14:59	81	1,106.54
4	Wednesday	585	15:00 - 15:59	94	1,369.16
5	Thursday	697	15:00 - 15:59	90	2,180.37
6	Friday	1,112	22:00 - 22:59	157	5,442.06
7	Saturday	1,166	23:00 - 23:59	181	6,091.59
8	Sunday	746	00:00 - 00:59	152	2,975.70
9	Monday	597	15:00 - 15:59	94	2,000.00
10	Tuesday	624	12:00 - 12:59	96	1,435.51
11	Wednesday	636	17:00 - 17:59	93	1,696.26
12	Thursday	842	17:00 - 17:59	125	2,439.25
13	Friday	990	14:00 - 14:59	125	3,851.40
14	Saturday	979	23:00 - 23:59	196	7,042.06
15	Sunday	861	00:00 - 00:59	175	3,315.89
16	Monday	471	18:00 - 18:59	68	1,331.78
17	Tuesday	658	18:00 - 18:59	87	1,785.05
18	Wednesday	718	20:00 - 20:59	97	1,783.18
19	Thursday	925	12:00 - 12:59	137	2,926.17
20	Friday	1,064	23:00 - 23:59	160	5,350.47
21	Saturday	1,162	23:00 - 23:59	190	7,423.36
22	Sunday	855	00:00 - 00:59	175	3,723.36
23	Monday	523	18:00 - 18:59	84	1,738.32
24	Tuesday	459	14:00 - 14:59	66	1,126.17
25	Wednesday	516	18:00 - 18:59	78	1,500.93
26	Thursday	769	15:00 - 15:59	104	2,527.57
27	Friday	1,146	21:00 - 21:59	151	5,599.07
28	Saturday	1,235	13:00 - 13:59	154	6,906.54
29	Sunday	1,166	15:00 - 15:59	169	7,454.21
30	Monday	807	00:00 - 00:59	133	2,523.36
31	Tuesday	489	08:00 - 08:59	70	989.72
	TOTAL	24,806			\$100,280.84
MONTHLY PERMIT REVENUE					\$27,800.00
VALET REVENUE					\$37,609.35
TOTAL NET REVENUE					\$165,690.19

Note: Garage contract awarded effective June 9, 2003.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
42nd Street Garage - 8A
August 2004**

LOCATION	ACCOUNTING CODE	2003 August	2004 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
42nd St. Garage - 8A						
Revenue						
Revenue-Ticket	480-8000-344531	2,828.05	3,802.80	974.75		
Revenue-Monthly Permits	480-8000-344595	<u>34,500.00</u>	<u>24,480.00</u>	<u>(10,020.00)</u> (1).		
	42nd Street Garage- 8A REVENUE (Sales Tax Excluded)	37,328.05	28,282.80	(9,045.25)	-24.23%	\$45.62
Expenses						
Security Personnel		11,484.72	10,294.53	(1,190.19) (2).		
Attendant/Cashier Labor		3,182.84	4,255.76	1,072.92 (3).		
FP&L		1,805.96	1,805.96	0.00 (4).		
Revenue Control Equipment Maintenance		0.00	0.00	0.00		
Elevator Maintenance		536.00	430.00	(106.00)		
Landscape Maintenance		0.00	0.00	0.00		
Garage Cleaning/Maintenance		<u>1,796.50</u>	<u>1,796.50</u>	<u>0.00</u> (5).		
	42nd St. Garage - 8A EXPENSES	18,806.02	18,582.75	(223.27)	-1.19%	\$29.97
	42nd St. Garage PROFIT/(LOSS)	18,522.03	9,700.05	(8,821.98)	-47.63%	\$15.65
Number of Spaces						620

Notes:

The primary users of this facility are monthly parkers engaged in local business.

(1). Only 408 permits sold in August 2004 for the 42nd Street Garage, as opposed to 575 permits in August 2003.

(2). August 2003 Security Personnel cost is comprised of 936 total labor hours. While, August 2004 Security Personnel cost is comprised of only 839 total labor hours.

(3). August 2003 Attendant/Cashier labor is comprised of only 308.25 total labor hours. While, August 2004 Attendant/Cashier labor cost is comprised of 407.25 total labor hours.

(4). August 2003 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through February 2003. Additionally, August 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is a previously established estimate.

(5). August 2003 Garage Cleaning/Maintenance charge reflects the regular monthly service charge of \$1,285 and a charge of \$511.50 for 62 additional hours of cleaning services. August 2004 Garage Cleaning/Maintenance charge reflects the regular monthly service charge of \$1,285 and a charge of \$511.50 for 62 additional hours of cleaning services.

City of Miami Beach
Parking Department
Daily Revenue Reports
42nd Street Garage - 8A

August 2004

Date	Day	Total Vehicle Entries	Daily Ticket Revenue
1	Sunday	188	-
2	Monday	620	228.04
3	Tuesday	629	214.95
4	Wednesday	621	200.93
5	Thursday	620	189.72
6	Friday	709	195.33
7	Saturday	493	-
8	Sunday	175	-
9	Monday	510	167.29
10	Tuesday	495	138.32
11	Wednesday	599	216.82
12	Thursday	650	180.37
13	Friday	204	161.68
14	Saturday	378	-
15	Sunday	182	-
16	Monday	569	207.48
17	Tuesday	554	138.32
18	Wednesday	543	175.70
19	Thursday	513	121.50
20	Friday	482	142.06
21	Saturday	292	-
22	Sunday	181	-
23	Monday	538	147.66
24	Tuesday	565	208.41
25	Wednesday	574	171.03
26	Thursday	598	129.91
27	Friday	816	133.64
28	Saturday	240	-
29	Sunday	188	-
30	Monday	585	145.79
31	Tuesday	572	187.85
	TOTAL	14,883	\$3,802.80
MONTHLY PERMIT REVENUE			\$24,480.00
TOTAL NET REVENUE			\$28,282.80

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON
August 2004**

LOCATION	ACCOUNTING CODE	2004 August # of Meters	2003 August	2004 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)
1X - (Washington - 4th & Lincoln) - On Street	480-8000-344501	291	55,498.07	47,095.54	(8,402.53)	-15.14%
1A - (1st Street & Ocean Dr.) - Off Street	480-8000-344502	57	8,964.06	5,888.50		
1A - (1st Street & Ocean Dr.) - Attended	480-8000-344502	0	0.00	6,355.14		
Total		57	8,964.06	12,243.64	3,279.58	36.59%
1B - (78 Washington Avenue) - Off Street	480-8000-344617	12	0.00	227.28	227.28	#DIV/0!
2X - (Washington - 5th & Lincoln) - On Street	480-8000-344503	370	44,475.41	48,820.49	4,345.08	9.77%
2B - (6/7 & Meridian) - Off Street	480-8000-344505	22	305.07	611.24	306.17	100.36%
3X - (Collins & Euclid Ave.) On Street	480-8000-344507	68	6,369.79	7,530.85	1,161.06	18.23%
4X - (Alton 7th St.- Dade Blvd.) - On Street	480-8000-344509	491	73,206.47	81,687.11	8,480.64	11.58%
4B - (Alton & 20th St.-Purdy-Dade Blvd.) - On Street	480-8000-344511	213	10,449.97	12,915.89	2,465.92	23.60%
4C - (West Ave & 17th St.) - Off Street	480-8000-344512	66	9,977.12	11,966.00	1,988.88	19.93%
4D - (West Ave & Lincoln Rd.) - Off Street	480-8000-344513	30	2,165.43	2,965.56	800.13	36.95%
5C - (Convention Ctr. Dr. & 17th Street) - Off Street	480-8000-344517	85	1,413.17	1,408.76		
5C - (Convention Ctr. Dr. & 17th Street) - Attended	480-8000-344517	0	0.00	0.00		
Total		85	1,413.17	1,408.76	(4.41)	-0.31%
5F - (Meridian Ave & 18th Street) - Off Street	480-8000-344519	97	225.79	418.95		
5F - (Meridian Ave & 18th Street) - Attended	480-8000-344519	0	0.00	0.00		
Total		97	225.79	418.95	193.16	85.55%
5H - (19th Street & Meridian Ave) - Off Street	480-8000-344521	27	397.89	495.92	98.03	24.64%
5M - (17th & Meridian Ave) - Off Street	480-8000-344508	27	2,358.23	2,204.48	(153.75)	-6.52%
6X - (Collins - 20th to 24th St) - On Street	480-8000-344522	236	27,547.92	24,501.28	(3,046.64)	-11.06%
6A - (22nd Street & Park)- Off Street	480-8000-344523	14	182.11	896.78	714.67	392.44%
6B - (Collins Ave & 21st Street) - Off Street	480-8000-344524	190	16,114.82	15,886.06		
6B - (Collins Ave & 21st Street) - Attended	480-8000-344524	0	2.00	0.00		
Total		190	16,116.82	15,886.06	(230.76)	-1.43%
7X - (Ocean - Biscayne - 15th St) - On Street	480-8000-344525	442	61,412.57	75,818.09	14,405.52	23.46%
7A - (Collins Ave, 4th to 15th St) - On Street	480-8000-344526	591	132,209.65	135,441.89	3,232.24	2.44%
7C - (Collins Ave & 6th St) - Off Street	480-8000-344528	14	610.11	815.92		
7C - (Collins Ave & 6th St) - Attended	480-8000-344528	0	844.87	0.00		
Total		14	1,454.98	815.92	(639.06)	-43.92%
8X - (Pinetree-Alton - 40th to 42nd St) - On Street	480-8000-344530	386	16,405.52	17,910.40	1,504.88	9.17%
8A - (42nd Street Garage) - Off Street Meters	480-8000-344531	11	378.82	343.20	(35.62)	-9.40%
8B - (42nd Street & Royal Palm) - Off Street	480-8000-344532	173	2,434.29	4,919.31		
8B - (42nd Street & Royal Palm) - Attended	480-8000-344532	0	0.00	0.00		
Total		173	2,434.29	4,919.31	2,485.02	102.08%
8C - (40/41 Street & Chase) - Off Street	480-8000-344533	88	1,168.09	1,745.79	577.70	49.46%
8D - (47th Street & Pinetree) - Off Street	480-8000-344534	16	106.38	224.27	117.89	110.82%
8E - (41st Street & Alton) - Off Street	480-8000-344535	40	1,585.58	1,654.52	68.94	4.35%
8F - (41st Street & Jefferson) - Off Street	480-8000-344536	30	322.37	650.21	327.84	101.70%
9X - (Collins - 64th to 79th St) - On Street	480-8000-344537	527	28,235.94	38,689.84	10,453.90	37.02%
9A - (Harding & 71st St) - Off Street	480-8000-344538	48	563.41	1,085.33	521.92	92.64%
9B - (72nd St. & Collins) - Off Street - Attended	480-8000-344539	0	989.72	6,187.85	5,198.13	525.21%
9C (Carlyle & 71st St) - Off Street	480-8000-344540	14	0.00	67.92	67.92	#DIV/0!

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON
August 2004**

LOCATION	ACCOUNTING CODE	2004 August # of Meters	2003 August	2004 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)
9D - (Collins & 76th St) - Off Street	480-8000-344541	33	601.32	685.22	83.90	13.95%
9E - (71st St. & Harding) - Off Street	480-8000-344542	31	95.51	163.67	68.16	71.36%
9F - (75th & Collins) - Off Street	480-8000-344543	106	3,266.04	3,966.14	700.10	21.44%
10A - (Lincoln Lane & Lenox) - Off Street	480-8000-344544	70	10,351.28	13,760.09	3,408.81	32.93%
10B - (Lincoln Lane & Michigan) - Lease	480-8000-344545	0	14,583.33	14,583.33		
10B - (Lincoln Lane & Michigan) - Attended	480-8000-344545	0	0.00	0.00		
Total		0	14,583.33	14,583.33	0.00	0.00%
10C - (Lincoln Lane & Meridian) - Off Street	480-8000-344546	141	25,944.44	29,215.03	3,270.59	12.61%
10D - (Lincoln Lane & Jefferson - W) - Off Street	480-8000-344547	62	9,168.57	11,185.23	2,016.66	22.00%
10E - (Lincoln Lane & Jefferson - E) - Off Street	480-8000-344548	19	3,589.32	3,226.42	(362.90)	-10.11%
10F - (Lincoln Lane & Euclid) - Off Street	480-8000-344549	36	6,104.93	7,090.38	985.45	16.14%
10G - (Lincoln Lane & Michigan) - Off Street	480-8000-344550	21	2,637.55	2,932.06	294.51	11.17%
11X - (Collins & 11th Street) - Off Street	480-8000-344551	0	0.00	0.00		
11X - (Collins & 11th Street) - Attended	480-8000-344551	0	0.00	0.00		
Total		0	0.00	0.00	0.00	#DIV/0!
12X - (Washington & 9th Street) - Off Street	480-8000-344552	23	3,970.76	3,917.12		
12X - (Washington & 9th Street) - Attended	480-8000-344552	0	0.00	0.00		
Total		23	3,970.76	3,917.12	(53.64)	-1.35%
13X - (Washington & 10th Street) - Off Street	480-8000-344553	33	5,431.45	6,295.72		
13X - (Washington & 10th Street) - Attended	480-8000-344553	0	0.00	0.00		
Total		33	5,431.45	6,295.72	864.27	15.91%
15X - (16th to 18th East of Collins) - On Street	480-8000-344556	43	6,916.72	7,499.43	582.71	8.42%
15A - (Washington, 17th to 20th) - On Street	480-8000-344557	91	10,732.06	13,896.97	3,164.91	29.49%
15B - (Convention Center Drive) - On Street	480-8000-344558	46	1,239.55	2,324.37	1,084.82	87.52%
16X - (25th to 32nd, E of Collins) - On Street	480-8000-344559	78	6,087.71	6,741.34	653.63	10.74%
16A - (35th to 43rd, E of Collins) - On Street	480-8000-344560	117	8,738.18	10,738.64	2,000.46	22.89%
16B - (Indian Crk Dr, 27th to 32nd) - On Street	480-8000-344561	219	4,861.67	5,160.58	298.91	6.15%
16C - (Indian Crk - 33rd to 43rd) - On Street	480-8000-344562	230	9,043.50	11,416.31	2,372.81	26.24%
16D - (Collins Ave & 34th St) - Off Street	480-8000-344563	64	2,328.12	2,072.33		
16D - (Collins Ave & 34th St) - Attended	480-8000-344563	0	0.00	0.00		
Total		64	2,328.12	2,072.33	(255.79)	-10.99%
16E - (Collins Ave & 35th St) - Off Street	480-8000-344564	72	3,195.44	3,116.82		
16E - (Collins Ave & 35th St) - Attended	480-8000-344564	0	0.00	0.00		
Total		72	3,195.44	3,116.82	(78.62)	-2.46%
17X - (Collins & 13th Street) - Off Street	480-8000-344565	54	4,907.08	5,493.58		
17X - (Collins & 13th Street) - Attended	480-8000-344565	0	11,200.00	8,882.22		
Total		54	16,107.08	14,375.80	(1,731.28)	-10.75%
18X - (Indian Crk & 65th St) - Off Street	480-8000-344567	53	203.58	134.44	(69.14)	-33.96%
18A - (Collins & 64th St) - Off Street	480-8000-344568	67	3,609.40	4,993.80		
18A - (Collins & 64th St) - Attended	480-8000-344568	0	0.00	0.00		
Total		67	3,609.40	4,993.80	1,384.40	38.36%
19X - (Collins & 46th Street) - Off Street	480-8000-344569	449	8,688.16	11,951.10		
19X - (Collins & 46th Street) - Attended	480-8000-344569	0	23,429.91	15,420.56		
Total		449	32,118.07	27,371.66	(4,746.41)	-14.78%
19A - (Collins & 46th Street) - On Street	480-8000-344570	19	1,276.96	1,162.23	(114.73)	-8.98%

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON
August 2004**

LOCATION	ACCOUNTING CODE	2004 August # of Meters	2003 August	2004 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)
19B - (Collins & 53rd Street) - Off Street	480-8000-344571	158	2,623.97	1,636.82		
19B - (Collins & 53rd Street) - Attended	480-8000-344571	0	7,901.87	5,107.47		
Total		158	10,525.84	6,744.29	(3,781.55)	-35.93%
20X - (Collins Ave & 27th St) - Off Street	480-8000-344572	121	4,029.25	3,117.88		
20X - (Collins Ave & 27th St) - Attended	480-8000-344572	0	0.00	0.00		
Total		121	4,029.25	3,117.88	(911.37)	-22.62%
22X - (Carlyle & 72nd St) - Off Street	480-8000-344574	45	0.00	164.30	164.30	#DIV/0!
23X - (83rd & Abbott) - Off Street	480-8000-344575	25	35.61	139.33	103.72	291.27%
24X - (Normandy Isle & Bay Dr) - On Street	480-8000-344576	102	3,768.61	3,593.71	(174.90)	-4.64%
24A - (Normandy Isle & Bay Dr) - Off Street	480-8000-344577	26	324.13	841.48	517.35	159.61%
24B - (Normandy Isle & Vendome) - Off Street	480-8000-344578	22	270.80	564.42	293.62	108.43%
24C - (Normandy Isle & Bay Rd S/S) - Off Street	480-8000-344579	33	586.05	723.37	137.32	23.43%
25X - (Bonita Drive & 71st St) - Off Street	480-8000-344580	15	275.08	333.20	58.12	21.13%
26X - (Collins, 79th to 87th Terr) - On Street	480-8000-344581	283	2,971.99	4,058.75	1,086.76	36.57%
26Z - (Collins & 87th Street) - Off Street	480-8000-344616	15	0.00	191.43	191.43	#DIV/0!
10X - (Lincoln Lane & Lenox) - Off Street	480-8000-344582	99	16,535.63	18,219.63		
10X - (Lincoln Lane & Lenox) - Attended	480-8000-344582	0	0.00	0.00		
Total		99	16,535.63	18,219.63	1,684.00	10.18%
26A - (Collins & 80th Street) - Off Street	480-8000-344584	62	640.57	594.98	(45.59)	-7.12%
26B - (Collins & 84th Street) - Off Street	480-8000-344585	62	417.75	0.00	(417.75)	-100.00%
4E (Purdy & 18th Street) - Off Street	480-8000-344586	39	3,477.13	3,466.46		
4E (Purdy & 18th Street) - Attended	480-8000-344586	0	4,062.61	2,924.31		
Total		39	7,539.74	6,390.77	(1,148.97)	-15.24%
8G - (40th Street & Royal Palm) - Off Street	480-8000-344592	43	1,702.04	2,498.03	795.99	46.77%
8H - (40th Street & Prairie) - Off Street	480-8000-344594	71	2,395.72	3,770.66	1,374.94	57.39%
26C - (Collins & 79th Street) - Off Street	480-8000-344600	34	327.51	157.59	(169.92)	-51.88%
26D - (Collins & 83rd Street) - Off Street	480-8000-344601	95	93.56	162.89	69.33	74.10%
SLSP00 - (South Point Lot) - Off Street	480-8000-344602	108	7,529.80	6,075.16		
SLSP00 - (Southpoint Lot) - Attended	480-8000-344602	0	10,819.63	8,218.68		
Total		108	18,349.43	14,293.84	(4,055.59)	-22.10%
4th & Alton Lot - Off Street	480-8000-344604	21	1,149.95	1,249.78	99.83	8.68%
4A - 1833 Bay Road - Off Street	480-8000-344608	0	0.00	0.00	0.00	#DIV/0!
7D - 10-11th & Collins (Lease)	480-8000-344529	0	3,500.00	3,500.00	0.00	0.00%
10H - (Lincoln Rd. So. & Lenox) - Off Street	480-8000-344611	0	0.00	0.00	0.00	#DIV/0!
14A - 16th Street & Washington (Lease)	480-8000-344555	0	14,583.33	14,583.33	0.00	0.00%
TOTAL		8,332	\$789,145.77	\$851,349.16	\$62,203.39	7.88%

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE: August 2004**

VENDOR	\$10	\$25	\$25 CARDS w/10% Discount \$22.50	MACHINE SALES \$ AMOUNT	REFUNDS	COLLECTOR CARDS \$20	COLL. CARDS w/10% Discount \$18	TOTALS
BAY SUPERMARKET	0	0	0			0	0	\$0.00
BRIGHAM GARDENS	0	0	0			0	0	\$0.00
D'VINE CYBER LOUNGE	0	0	0			0	0	\$0.00
COMPASS MARKET	0	0	0			0	0	\$0.00
CHAMBER OF COMMERCE	0	0	20			0	0	\$450.00
CLEAN MACHINE	0	0	0			0	0	\$0.00
FINANCE DEPARTMENT	0	49	82			0	0	\$3,070.00
KOSHER WORLD	0	0	0			0	0	\$0.00
LEE ANN DRUGS	0	0	0			0	0	\$0.00
NEWS CAFE	0	0	0			0	0	\$0.00
PARKING DEPT. - Customer Service	0	199	110		\$0.00	0	0	\$7,450.00
PARKING DEPT. - Garages	0	11	0			0	0	\$275.00
PUBLIX SUPERMARKET	0	0	1,570			0	0	\$35,325.00
SUNSET CAFÉ	0	0	0			0	0	\$0.00
BEACH BANK	0	0	0			0	0	\$0.00
PARKING MACHINE - Cash	0	0	0	\$2,645.00		0	0	\$2,645.00
PARKING MACHINE - Credit	0	0	0	\$2,955.00		0	0	\$2,955.00
ZELICK'S TOBACCO	0	0	0			0	0	\$0.00
WOLFSONIAN	0	0	0			0	0	\$0.00
SHEMTOV'S	0	0	0			0	0	\$0.00
TOTAL # OF CARDS	0	259	1,782			0	0	2,041
TOTAL \$ AMOUNT	\$0.00	\$6,475.00	\$40,095.00	\$5,600.00	\$0.00	\$0.00	\$0.00	\$52,170.00

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE - YTD: October 2003 - August 2004**

VENDOR	\$10	\$25	\$25 CARDS w/10% Discount \$22.50	MACHINE SALES \$ AMOUNT	REFUNDS	COLLECTOR CARDS \$20	COLL. CARDS w/10% Discount \$18	TOTALS
BAY SUPERMARKET	0	0	40			0	0	\$900.00
BRIGHAM GARDENS	0	0	0			0	0	\$0.00
D'VINE CYBER LOUNGE	0	0	10			0	0	\$225.00
COMPASS MARKET	0	0	0			0	0	\$0.00
CHAMBER OF COMMERCE	0	0	120			0	0	\$2,700.00
CLEAN MACHINE	0	0	0			0	0	\$0.00
FINANCE DEPARTMENT	0	730	818			0	0	\$36,655.00
KOSHER WORLD	0	0	0			0	0	\$0.00
LEE ANN DRUGS	0	0	405			0	0	\$9,112.50
NEWS CAFE	0	0	80			0	0	\$1,800.00
PARKING DEPT. - Customer Service	0	2,615	1,313		\$0.00	0	0	\$94,917.50
PARKING DEPT. - Garages	0	73	0			0	0	\$1,825.00
PUBLIX SUPERMARKET	0	0	26,491			0	0	\$596,047.50
SUNSET CAFÉ	0	0	6			0	0	\$135.00
BEACH BANK	0	0	50			0	0	\$1,125.00
PARKING MACHINE - Cash	0	0	0	\$26,985.00		0	0	\$26,985.00
PARKING MACHINE - Credit	0	0	0	\$26,815.00		0	0	\$26,815.00
ZELICK'S TOBACCO	0	0	127			0	0	\$2,857.50
WOLFSONIAN	0	0	50			0	0	\$1,125.00
SHEMTOVS	0	0	0			0	0	\$0.00
TOTAL # OF CARDS	0	3,418	29,510			0	0	32,928
TOTAL \$ AMOUNT	\$0.00	\$85,450.00	\$663,975.00	\$53,800.00	\$0.00	\$0.00	\$0.00	\$803,225.00

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
MULTI -SPACE PARKING METER REVENUE COMPARISON**

LOCATION	Number of Spaces	2002 August	2003 August	Increase/ (Decrease)	2004 August	Increase/ (Decrease)
Ocean Drive	47	\$7.71	\$11.90	54.35%	\$11.52	-3.19%
777 17th Street	27	\$0.00	\$3.10	#DIV/0!	\$2.61	-15.81%

YEAR TO DATE REVENUE COMPARISON

LOCATION	Number of Spaces	Fiscal 2001/2002	Fiscal 2002/2003	Increase/ (Decrease)	Fiscal 2003/2004	Increase/ (Decrease)
Ocean Drive	47	\$6.28	\$9.94	58.28%	\$11.17	12.37%
777 17th Street	27	\$0.00	\$2.87	#DIV/0!	\$3.03	5.57%

Method of Payment Distribution Year to Date for All Collections

Currency	67.49%
Coin	22.06%
Credit Card	10.45%
Total	100.00%

Multispace meters were installed in January 2003. Fiscal year 2002 data has been included to show the effect on revenue of the multi-space meters versus the single-space meters.

The 777 17th Street Lot did not contain meters in August 2002.

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Garage - 2G

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
17th Street Garage - 2G														
Revenue-Ticket	480-8000-344583	126,299.54	162,005.37	140,671.96	158,906.54	210,057.03	154,691.53	127,139.34	153,750.35	114,394.40	108,808.42	106,967.29	0.00	1,563,691.77
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	0.00	69,300.00
Revenue-Monthly Permits	480-8000-344514	53,760.00	56,760.00	54,960.00	54,000.00	53,760.00	57,360.00	57,780.00	57,660.00	57,780.00	58,020.00	57,060.00	0.00	618,900.00
17th St. - 2G REVENUE (Sales Tax Excluded)														
		186,359.54	225,065.37	201,931.96	219,206.54	270,117.03	218,351.53	191,219.34	217,710.35	178,474.40	173,128.42	170,327.29	0.00	2,251,891.77
Expenses														
Security Personnel		15,896.40	16,574.30	18,802.34	15,494.05	17,601.32	18,653.45	15,804.17	19,951.32	15,922.37	16,095.17	19,972.49	0.00	186,767.38
Attendant/Cashier Labor		41,511.91	48,342.11	40,772.36	36,234.53	52,732.42	40,835.62	45,314.47	46,946.34	44,991.49	37,865.26	48,178.56	0.00	483,725.07
FP&L		6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	0.00	71,207.29
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	2,516.67	9,060.56	0.00	26,577.26
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	0.00	4,620.00
Elevator Maintenance		738.00	613.00	613.00	800.50	613.00	613.00	425.00	425.00	30,453.50	425.00	425.00	0.00	36,144.00
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	312.33	108.33	108.33	108.33	0.00	1,395.63
Garage Cleaning/Maintenance		5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,421.08	5,696.08	5,595.08	5,331.08	0.00	59,360.88
17th St. - 2G EXPENSES														
		72,145.78	79,528.88	72,187.17	66,528.55	84,946.21	72,101.54	75,543.11	81,616.13	105,731.83	69,498.90	89,969.41	0.00	869,797.51
17th St. PROFIT/(LOSS)														
		114,213.76	145,536.49	129,744.79	152,677.99	185,170.82	146,249.99	115,676.23	136,094.22	72,742.57	103,629.52	80,357.88	0.00	1,382,094.26

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
17th St. Garage - 2G														
Revenue-Ticket	480-8000-344583	105,641.20	159,877.65	136,339.53	153,112.01	199,421.53	147,306.63	99,839.26	135,459.72	92,178.14	102,296.41	106,516.89	91,325.39	1,529,314.36
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	60,000.00	61,560.00	59,820.00	56,760.00	57,960.00	58,740.00	58,680.00	53,460.00	54,300.00	55,920.00	53,160.00	53,220.00	683,580.00
17th St. - 2G REVENUE (Sales Tax Excluded)														
		171,941.20	227,737.65	202,459.53	216,172.01	263,681.53	212,346.63	164,819.26	195,219.72	152,778.14	164,516.41	165,976.89	150,845.39	2,288,494.36
Expenses														
Security Personnel		16,561.95	16,616.47	16,549.18	20,680.62	17,432.22	16,471.66	20,612.78	16,448.34	20,600.10	16,480.25	20,599.69	16,233.62	215,286.88
Attendant/Cashier Labor		33,192.78	56,286.32	36,137.49	39,265.13	48,329.64	37,381.35	32,521.25	34,321.57	59,870.88	35,809.78	34,812.81	42,009.65	489,938.65
FP&L		5,352.35	5,507.51	6,007.59	5,672.16	9,827.33	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.67
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,860.67	1,666.67	1,666.67	1,851.67	1,666.67	20,379.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	6,376.75	13,119.75
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	51,985.98
17th St. - 2G EXPENSES														
		61,304.26	84,607.48	64,891.44	71,815.09	81,786.37	66,523.58	67,843.68	65,673.56	95,428.13	66,937.50	70,314.97	78,619.49	875,745.55
17th St. PROFIT/(LOSS)														
		110,636.94	143,130.17	137,568.09	144,356.92	181,895.16	145,823.05	96,975.58	129,546.16	57,350.01	97,578.91	95,661.92	72,225.90	1,412,748.81

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Garage - 2G

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
17th St. Garage - 2G														
Revenue-Ticket	480-8000-344583	105,641.20	159,877.65	136,339.53	153,112.01	199,421.53	147,306.63	99,839.26	135,459.72	92,178.14	102,296.41	106,516.89	91,325.39	1,529,314.36
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	60,000.00	61,560.00	59,820.00	56,760.00	57,960.00	58,740.00	58,680.00	53,460.00	54,300.00	55,920.00	53,160.00	53,220.00	683,580.00
17th St. - 2G REVENUE (Sales Tax Excluded)		171,941.20	227,737.65	202,459.53	216,172.01	263,681.53	212,346.63	164,819.26	195,219.72	152,778.14	164,516.41	165,976.89	150,845.39	2,288,494.36
Expenses														
Security Personnel		16,561.95	16,616.47	16,549.18	20,680.62	17,432.22	16,471.66	20,612.78	16,448.34	20,600.10	16,480.25	20,599.69	16,233.62	215,286.88
Attendant/Cashier Labor		33,192.78	56,286.32	36,137.49	39,265.13	48,329.64	37,381.35	32,521.25	34,321.57	59,870.88	35,809.78	34,812.81	42,009.65	489,938.65
FP&L		5,352.35	5,507.51	6,007.59	5,672.16	9,827.33	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.67
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,379.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,054.62
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	7,356.00
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	39,504.00
17th St. - 2G EXPENSES		61,304.26	84,607.48	64,891.44	71,815.09	81,786.37	66,523.58	67,843.68	65,673.56	95,428.13	66,937.50	70,314.97	78,619.49	875,745.55
17th St. PROFIT/(LOSS)		110,636.94	143,130.17	137,568.09	144,356.92	181,895.16	145,823.05	96,975.58	129,546.16	57,350.01	97,578.91	95,661.92	72,225.90	1,412,748.81

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 TOTAL
17th St. Garage - 2G														
Revenue-Ticket	480-8000-344583	95,980.84	88,650.62	117,454.92	129,924.57	193,183.71	173,980.26	137,297.11	123,415.47	109,810.52	97,670.31	100,261.80	101,232.96	1,468,863.09
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	46,380.00	49,200.00	50,040.00	48,780.00	49,200.00	50,940.00	58,260.00	54,360.00	54,000.00	59,760.00	59,880.00	60,180.00	640,980.00
17th St. - 2G REVENUE (Sales Tax Excluded)		148,660.84	144,150.62	173,794.92	185,004.57	248,683.71	231,220.26	201,857.11	184,075.47	170,110.52	163,730.31	166,441.80	167,712.96	2,185,443.09
Expenses														
Security Personnel		12,311.04	12,073.41	11,853.44	12,243.49	12,971.98	11,674.27	12,081.92	11,200.98	13,739.92	16,653.15	19,575.84	17,759.89	164,139.33
Attendant/Cashier Labor		36,820.66	30,740.16	30,863.50	35,009.60	44,561.13	32,597.89	38,714.70	38,742.83	35,232.98	31,239.96	32,357.63	34,965.22	421,846.26
FP&L		5,519.53	5,106.15	5,446.66	5,793.30	5,678.30	5,251.72	5,381.93	5,279.30	5,704.54	5,485.43	5,460.87	6,099.82	66,207.55
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,000.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,206.16
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	7,356.00
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	39,504.00
17th St. - 2G EXPENSES		60,848.41	54,116.90	54,360.78	59,243.57	69,408.59	55,721.05	62,375.73	61,420.29	60,874.62	59,575.72	63,591.52	65,022.11	726,559.30
17th St. PROFIT/(LOSS)		87,812.43	90,033.72	119,434.14	125,761.00	179,275.12	175,499.20	139,481.38	122,655.18	109,235.90	104,154.59	102,850.28	102,690.85	1,458,883.79

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
7th Street Garage - 1G

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	139,529.56	139,842.06	130,241.12	167,042.06	164,871.96	219,217.76	169,714.95	173,072.90	138,058.07	172,876.64	157,222.43	0.00	1,771,689.51
Revenue-Monthly Permits	142-8000-344404	13,050.00	13,237.50	13,462.50	13,500.00	13,800.00	13,725.00	13,725.00	13,350.00	13,725.00	13,800.00	13,800.00	0.00	149,175.00
7th Street Garage - 1G REVENUE (Sales Tax Excluded)		152,579.56	153,079.56	143,703.62	180,542.06	178,671.96	232,942.76	183,439.95	186,422.90	151,783.07	186,676.64	171,022.43	0.00	1,920,864.51
Expenses														
Security		21,049.40	21,816.06	24,181.09	21,727.10	20,960.22	23,119.75	21,349.80	28,211.80	21,233.24	22,052.26	26,852.89	0.00	252,553.61
Attendant/Cashier Labor		17,797.52	17,668.48	17,422.60	17,959.47	17,642.05	18,282.80	17,863.50	17,748.27	17,815.82	17,998.44	22,276.54	0.00	200,475.49
Landscape Maintenance		918.67	1,114.00	918.67	918.67	848.00	918.67	918.67	918.67	918.67	14,404.67	918.67	0.00	23,716.03
FP&L		3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	0.00	33,741.07
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	0.00	7,700.00
Garage Cleaning/Maintenance		4,864.00	4,699.00	4,765.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	0.00	53,487.50
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	0.00	4,620.00
Elevator Maintenance		1,729.00	1,202.00	2,271.50	985.00	1,460.42	985.00	1,202.00	2,817.42	2,592.67	2,360.17	2,360.17	0.00	19,965.35
Surveillance System Maintenance		534.60	534.60	744.60	534.60	534.60	534.60	534.60	534.60	2,457.18	534.60	534.60	0.00	8,013.18
7th St. Garage - 1G EXPENSES		51,080.55	51,221.51	54,490.83	51,176.21	50,496.63	52,892.19	50,919.94	59,282.13	54,068.96	66,649.01	61,994.24	0.00	604,272.23
7th St. - 1G Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	0.00	654,500.00
7th St. - 1G PROFIT/(LOSS)		41,999.00	42,358.05	29,712.79	69,865.85	68,675.30	120,550.57	73,020.01	67,640.77	38,214.12	60,527.63	49,528.19	0.00	662,092.28

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	136,186.19	137,501.35	140,246.61	148,182.44	153,858.76	221,547.82	161,549.46	174,847.57	133,750.47	164,101.85	178,871.59	120,362.30	1,871,006.41
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,125.00	13,125.00	13,125.00	13,125.00	13,050.00	13,050.00	13,050.00	12,975.00	13,050.00	13,200.00	13,200.00	157,200.00
7th Street Garage - 1G REVENUE (Sales Tax Excluded)		149,311.19	150,626.35	153,371.61	161,307.44	166,983.76	234,597.82	174,599.46	187,897.57	146,725.47	177,151.85	192,071.59	133,562.30	2,028,206.41
Expenses														
Security		21,087.06	20,743.70	20,245.12	26,257.88	21,150.87	21,933.85	26,125.51	22,612.39	25,778.86	21,024.44	27,128.97	21,014.42	275,103.07
Attendant/Cashier Labor		16,755.52	25,273.02	16,806.12	17,276.43	16,664.70	17,694.64	16,755.04	16,893.83	25,407.34	16,835.01	17,385.71	17,618.06	221,365.42
Landscape Maintenance		984.00	984.00	984.00	984.00	984.00	984.00	918.67	1,067.67	918.67	10,438.67	7,363.67	918.67	27,530.02
FP&L		2,667.70	2,747.44	2,709.51	2,462.61	4,749.59	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	36,808.44
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Garage Cleaning/Maintenance		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	4,864.00	4,864.00	58,615.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	1,180.88	1,264.84	1,936.44	1,180.88	1,180.88	1,295.00	13,948.92
Surveillance System Maintenance		437.00	437.00	437.00	437.00	437.00	437.00	495.00	495.00	495.00	1,855.00	560.00	2,810.60	9,352.60
7th St. Garage - 1G EXPENSES		48,997.46	57,251.34	48,247.93	54,484.10	51,052.34	51,183.04	54,623.66	51,482.28	63,932.36	60,420.37	62,795.00	52,708.12	657,178.59
7th St. - 1G Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
7th St. - 1G PROFIT/(LOSS)		40,813.73	33,875.01	45,623.68	47,323.34	56,431.42	123,914.78	60,475.81	76,915.29	23,293.11	57,231.48	69,775.99	21,354.18	657,027.82

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
7th Street Garage - 1G**

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	136,186.19	137,501.35	140,246.61	148,182.44	153,858.76	221,547.82	161,549.46	174,847.57	133,750.47	164,101.85	178,871.59	120,362.30	1,871,006.41
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,125.00	13,125.00	13,125.00	13,125.00	13,050.00	13,050.00	13,050.00	12,975.00	13,050.00	13,200.00	13,200.00	157,200.00
7th Street Garage - 1G REVENUE (Sales Tax Excluded)		149,311.19	150,626.35	153,371.61	161,307.44	166,983.76	234,597.82	174,599.46	187,897.57	146,725.47	177,151.85	192,071.59	133,562.30	2,028,206.41
Expenses														
Security		21,087.06	20,743.70	20,245.12	26,257.88	21,150.87	21,933.85	26,125.51	22,612.39	25,778.86	21,024.44	27,128.97	21,014.42	275,103.07
Attendant/Cashier Labor		16,755.52	25,273.02	16,806.12	17,276.43	16,964.70	17,694.64	16,755.04	16,893.83	25,407.34	16,835.01	17,385.71	17,618.06	221,365.42
Landscape Maintenance		984.00	984.00	984.00	984.00	984.00	984.00	918.67	1,067.67	918.67	10,438.67	7,363.67	918.67	27,530.02
FP&L		2,667.70	2,747.44	2,709.51	2,462.61	4,749.59	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	36,808.44
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Garage Cleaning/Maintenance		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	4,864.00	4,864.00	58,615.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.82
Elevator Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	1,180.88	1,264.84	1,936.44	1,180.88	1,180.88	1,295.00	13,948.92
Surveillance System Maintenance		437.00	437.00	437.00	437.00	437.00	437.00	495.00	495.00	495.00	1,855.00	580.00	2,810.60	9,352.80
7th St. Garage - 1G EXPENSES		48,997.46	57,251.34	48,247.93	54,484.10	51,052.34	51,183.04	54,623.66	51,482.28	63,932.36	60,420.37	62,795.60	52,708.12	657,178.59
7th St. - 1G Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
7th St. - 1G PROFIT/(LOSS)		40,813.73	33,875.01	45,623.68	47,323.34	56,431.42	123,914.78	60,475.81	76,915.29	23,293.11	57,231.48	69,775.99	21,354.18	657,027.82

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LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	98,891.68	105,333.01	144,735.13	153,866.18	138,843.74	240,191.44	171,039.15	163,294.17	139,551.83	163,218.25	175,770.79	135,339.42	1,830,074.79
Revenue-Monthly Permits	142-8000-344404	15,975.00	16,350.00	15,825.00	16,800.00	14,550.00	14,700.00	14,700.00	14,550.00	14,550.00	13,800.00	13,725.00	13,800.00	179,325.00
7th Street Garage - 1G REVENUE (Sales Tax Excluded)		114,866.68	121,683.01	160,560.13	170,666.18	153,393.74	254,891.44	185,739.15	177,844.17	154,101.83	177,018.25	189,495.79	149,139.42	2,009,399.79
Expenses														
Security		15,394.28	15,695.07	14,460.29	15,772.87	15,146.88	17,041.38	15,881.17	15,768.28	17,513.64	22,057.41	25,611.88	22,611.97	212,955.12
Attendant/Cashier Labor		15,209.20	15,854.69	16,107.91	16,346.08	16,018.67	15,976.15	16,429.77	16,367.45	15,943.55	15,952.92	16,684.59	17,149.19	194,030.17
Landscape Maintenance		984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	11,808.00
FP&L		3,153.54	2,599.76	2,754.67	2,964.55	2,773.25	2,567.84	2,733.33	2,574.07	2,891.16	2,700.17	2,849.96	3,069.84	33,632.14
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Garage Cleaning/Maintenance		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	58,368.00
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,206.16
Elevator Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	11,820.00
Surveillance System Maintenance		437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	5,244.00
7th St. Garage - 1G EXPENSES		42,244.20	42,636.70	41,810.05	43,570.68	42,425.88	44,072.55	43,531.45	43,186.98	44,835.53	49,197.68	53,633.61	51,318.18	542,463.59
7th St. - 1G Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
7th St. - 1G PROFIT/(LOSS)		13,122.48	19,546.31	59,250.08	67,595.50	51,467.76	151,318.89	82,707.70	75,157.19	49,766.30	88,320.57	76,362.18	38,321.24	752,936.20

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Lots - 5A East and West

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
17th Street Lots - 5A East and West														
Revenue-Ticket	480-8000-344515	123,301.93	135,390.66	142,474.77	153,204.65	157,831.80	163,559.82	141,769.18	149,018.68	120,878.55	126,481.32	123,772.91	0.00	1,537,684.27
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	16,800.00	18,360.00	15,960.00	16,200.00	15,660.00	15,660.00	16,560.00	16,800.00	17,940.00	17,820.00	17,520.00	0.00	185,280.00
Expenses														
Security Personnel		1,404.71	738.66	880.37	662.58	1,319.03	893.44	953.99	1,128.84	883.44	828.23	1,174.86	0.00	10,858.15
Attendant/Cashier Labor		20,826.85	24,230.94	20,510.75	20,463.71	23,729.34	22,161.85	21,289.27	22,812.35	21,621.06	18,258.77	23,687.56	0.00	239,592.45
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	3,722.78	0.00	20,389.48
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	0.00	5,529.37
FP&L		391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	0.00	4,306.28
17th Lots - 5A EXPENSES		24,792.38	27,530.42	23,951.94	23,687.11	27,609.19	25,606.11	24,804.08	26,502.01	25,065.32	21,647.82	29,479.35	0.00	280,675.73
17th Lots PROFIT/(LOSS)		115,309.55	126,220.24	134,482.83	145,717.54	145,882.61	153,613.71	133,525.10	139,316.67	113,753.23	122,653.50	111,813.56	0.00	1,442,288.54

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
17th Street Lots - 5A East and West														
Revenue-Ticket	480-8000-344515	105,889.88	120,891.93	120,890.56	132,337.75	139,792.51	139,949.44	111,002.09	127,300.47	107,680.68	111,796.59	110,433.27	99,008.57	1,426,973.74
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	17,820.00	18,120.00	17,700.00	18,360.00	16,500.00	17,700.00	16,560.00	18,840.00	15,720.00	15,900.00	16,560.00	16,960.00	206,760.00
Expenses														
Security Personnel		1,883.74	1,884.70	1,797.93	2,334.72	1,591.97	1,750.52	2,157.89	1,786.10	2,172.81	1,743.98	1,863.20	1,687.74	22,655.30
Attendant/Cashier Labor		17,939.85	30,340.05	19,183.60	21,628.82	22,409.89	20,603.96	18,238.36	18,745.80	30,790.29	17,290.61	17,265.92	20,813.79	255,250.94
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,389.48
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		386.87	350.40	332.23	322.18	565.72	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,697.76
17th Lots - 5A EXPENSES		22,379.80	34,744.49	23,483.10	26,455.06	26,736.92	24,915.30	22,957.07	23,286.72	35,523.92	21,760.41	21,689.94	25,062.35	308,995.08
17th Lots PROFIT/(LOSS)		101,330.08	104,267.44	115,107.46	124,242.69	129,555.59	132,734.14	104,605.02	122,853.75	87,876.76	105,936.18	105,303.33	90,926.22	1,324,738.66

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Lots - 5A East and West

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
17th Street Lots - 5A East and West														
Revenue-Ticket	480-8000-344515	105,889.88	120,891.93	120,890.56	132,337.75	139,792.51	139,949.44	111,002.09	127,300.47	107,680.68	111,796.59	110,433.27	99,008.57	1,426,973.74
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	17,820.00	18,120.00	17,700.00	18,360.00	16,500.00	17,700.00	16,560.00	18,840.00	15,720.00	15,900.00	16,560.00	16,980.00	206,760.00
17th Lots - 5A REVENUE (Sales Tax Excluded)		123,709.88	139,011.93	138,590.56	150,697.75	156,292.51	157,649.44	127,562.09	146,140.47	123,400.68	127,696.59	126,993.27	115,988.57	1,633,733.74
Expenses														
Security Personnel		1,883.74	1,884.70	1,797.93	2,334.72	1,591.97	1,750.52	2,157.89	1,786.10	2,172.81	1,743.98	1,863.20	1,887.74	22,655.30
Attendant/Cashier Labor		17,939.85	30,340.05	19,183.60	21,628.82	22,409.89	20,603.96	18,238.36	18,745.80	30,790.29	17,290.61	17,265.92	20,813.79	255,250.94
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,831.67	1,666.67	1,666.67	20,359.04
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		386.87	350.40	332.23	322.18	565.72	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,697.76
17th Lots - 5A EXPENSES		22,379.80	34,744.49	23,483.10	26,455.06	26,736.92	24,915.30	22,957.07	23,286.72	35,523.92	21,760.41	21,689.94	25,062.35	308,995.08
17th Lots PROFIT/(LOSS)		101,330.08	104,267.44	115,107.46	124,242.69	129,555.59	132,734.14	104,605.02	122,853.75	87,876.76	105,936.18	105,303.33	90,926.22	1,324,738.66

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LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 TOTAL
17th Street Lots - 5A East and West														
Revenue-Ticket	480-8000-344515	84,476.22	86,054.63	129,752.12	132,730.72	133,767.55	155,170.88	123,970.06	119,955.85	116,888.05	108,329.32	115,012.11	102,521.07	1,408,608.58
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	17,760.00	16,080.00	16,140.00	14,940.00	15,780.00	17,460.00	17,040.00	16,680.00	16,800.00	16,080.00	17,760.00	17,760.00	200,280.00
17th Lots - 5A REVENUE (Sales Tax Excluded)		102,236.22	102,134.63	145,892.12	147,670.72	149,547.55	172,630.88	141,010.06	136,635.85	133,688.05	124,409.32	132,772.11	120,281.07	1,608,888.58
Expenses														
Security Personnel		857.65	726.48	726.48	728.00	489.20	964.75	955.32	1,327.81	1,471.71	1,554.13	1,691.61	1,559.16	13,052.30
Attendant/Cashier Labor		17,436.09	16,120.74	17,827.14	18,512.07	19,388.97	20,846.52	21,119.07	19,675.74	17,955.12	17,566.44	19,212.48	20,566.65	226,227.03
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,000.04
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		457.83	601.13	483.88	354.56	335.36	324.34	348.11	343.62	362.67	362.54	417.81	404.38	4,796.23
17th Lots - 5A EXPENSES		20,920.91	19,617.69	21,206.84	21,763.97	22,382.87	24,304.95	24,591.84	23,516.51	21,958.84	21,652.45	23,491.24	24,699.53	270,107.64
17th Lots PROFIT/(LOSS)		81,315.31	82,516.94	124,685.28	125,906.75	127,164.68	148,325.93	116,418.22	113,119.34	111,709.21	102,756.87	109,280.87	95,581.54	1,338,780.94

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
12th Street Garage - 2A

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
12th Street Garage - 2A														
Revenue-Ticket	480-8000-344504	26,360.74	25,345.79	24,450.45	29,463.54	29,428.03	38,480.37	31,798.13	32,760.77	25,388.79	29,747.65	30,476.60	0.00	323,700.86
Revenue-Monthly Permits	480-8000-344593	5,220.00	5,100.00	5,040.00	4,740.00	4,740.00	4,800.00	4,920.00	4,860.00	4,860.00	4,980.00	5,100.00	0.00	54,360.00
12th St. - 2A REVENUE (Sales Tax Excluded)		31,580.74	30,445.79	29,490.45	34,203.54	34,168.03	43,280.37	36,718.13	37,620.77	30,248.79	34,727.65	35,576.60	0.00	378,060.86
Expenses														
Security Personnel		8,219.46	8,844.80	9,107.41	8,233.17	10,306.80	8,013.11	8,245.44	10,395.76	8,230.11	7,938.69	9,365.08	0.00	96,899.83
Attendant/Cashier Labor		7,247.08	7,241.85	7,200.05	7,215.73	7,184.37	7,226.18	7,210.50	7,602.38	7,354.19	7,113.84	8,960.87	0.00	81,557.04
FP&L		108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	0.00	1,193.94
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	0.00	5,337.00
Garage Cleaning/Maintenance		1,540.75	1,532.50	1,540.75	1,540.75	1,524.25	1,540.75	1,532.50	1,532.50	1,540.75	1,590.25	1,540.75	0.00	18,958.50
12th St. - 2A EXPENSES		17,240.83	17,862.69	18,081.75	17,223.19	19,248.96	17,013.58	17,221.98	19,764.18	17,358.59	16,876.32	24,062.24	0.00	201,944.31
12th St. - 2A PROFIT/(LOSS)		14,339.91	12,583.10	11,408.70	16,980.35	14,919.07	26,266.79	19,496.15	17,856.59	12,890.20	17,851.33	11,514.36	0.00	176,116.55

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
12th Street Garage - 2A														
Revenue-Ticket	480-8000-344504	23,808.81	26,646.02	27,241.35	27,276.87	28,087.39	39,739.49	29,315.86	33,756.05	22,192.23	30,702.84	31,246.72	22,452.33	342,465.96
Revenue-Monthly Permits	480-8000-344593	5,340.00	5,520.00	5,220.00	4,860.00	4,920.00	5,100.00	5,040.00	4,920.00	4,860.00	5,220.00	5,400.00	5,400.00	61,800.00
12th St. - 2A REVENUE (Sales Tax Excluded)		29,148.81	32,166.02	32,461.35	32,136.87	33,007.39	44,839.49	34,355.86	38,676.05	27,052.23	35,922.84	36,646.72	27,852.33	404,265.96
Expenses														
Security Personnel		8,245.44	8,232.15	8,235.63	10,779.20	8,166.92	8,233.17	10,238.91	8,237.06	10,302.50	8,241.55	10,299.64	8,252.59	107,464.76
Attendant/Cashier Labor		7,054.55	10,280.84	6,882.87	7,315.74	6,912.77	7,052.06	6,810.78	6,945.10	10,775.85	7,487.33	7,173.01	7,672.92	92,383.82
FP&L		102.79	81.67	98.93	90.60	168.69	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.46
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	5,337.00
Garage Cleaning/Maintenance		1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,557.25	1,532.50	1,763.50	1,540.75	1,540.75	1,532.50	19,101.75
12th St. - 2A EXPENSES		17,133.53	20,325.41	18,958.18	19,916.29	18,979.13	17,124.52	18,715.48	18,823.20	22,950.39	17,388.17	19,288.61	17,691.55	221,294.46
12th St. - 2A PROFIT/(LOSS)		12,015.28	11,840.61	15,503.17	12,220.58	16,028.26	27,714.97	15,640.38	21,852.85	4,101.84	18,534.67	17,358.11	10,160.78	182,971.50

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
12th Street Garage - 2A

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
12th Street Garage - 2A	Revenue-Ticket	23,808.81	26,646.02	27,241.35	27,276.87	28,087.39	39,739.49	29,315.86	33,756.05	22,192.23	30,702.84	31,246.72	22,452.33	342,465.96
	Revenue-Monthly Permits	5,340.00	5,520.00	5,220.00	4,860.00	4,920.00	5,100.00	5,040.00	4,920.00	4,860.00	5,220.00	5,400.00	5,400.00	61,800.00
	12th St. - 2A REVENUE (Sales Tax Excluded)	29,148.81	32,166.02	32,461.35	32,136.87	33,007.39	44,839.49	34,355.86	38,676.05	27,052.23	35,922.84	36,646.72	27,852.33	404,265.96
Expenses	Security Personnel	8,245.44	8,232.15	8,235.63	10,779.20	8,166.92	8,233.17	10,238.91	8,237.06	10,302.50	8,241.55	10,299.64	8,252.59	107,464.76
	Attendant/Cashier Labor	7,054.55	10,280.84	6,892.87	7,315.74	6,912.77	7,052.06	6,810.78	6,945.10	10,775.85	7,497.33	7,173.01	7,672.92	92,383.82
	FP&L	102.79	81.67	98.93	90.60	168.99	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.46
	Elevator Maintenance	125.00	125.00	125.00	125.00	125.00	125.00	0.00	0.00	0.00	0.00	166.67	125.00	1,041.67
	Garage Cleaning/Maintenance	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,557.25	1,532.50	1,763.50	1,540.75	1,540.75	1,532.50	19,101.75
	12th St. - 2A EXPENSES	17,133.53	20,325.41	16,958.18	19,916.29	16,979.13	17,124.52	18,715.48	16,823.20	22,950.39	17,388.17	19,288.61	17,691.55	221,294.46
12th St. - 2A PROFIT/(LOSS)		12,015.28	11,840.61	15,503.17	12,220.58	16,028.26	27,714.97	15,640.38	21,852.85	4,101.84	18,534.67	17,358.11	10,160.78	182,971.50

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 TOTAL
12th Street Garage - 2A	Revenue-Ticket	19,351.18	20,201.87	24,554.47	26,555.85	27,769.02	43,802.33	28,116.91	29,947.18	25,610.78	29,315.51	29,535.22	20,867.59	325,627.91
	Revenue-Monthly Permits	8,040.00	6,960.00	8,160.00	8,160.00	5,100.00	5,280.00	5,280.00	5,280.00	5,280.00	5,340.00	5,160.00	4,320.00	72,360.00
	12th St. - 2A REVENUE (Sales Tax Excluded)	27,391.18	27,161.87	32,714.47	34,715.85	32,869.02	49,082.33	33,396.91	35,227.18	30,890.78	34,655.51	34,695.22	25,187.59	397,987.91
Expenses	Security Personnel	5,626.00	5,647.95	4,077.36	6,053.88	5,471.53	5,445.92	5,466.54	6,157.30	6,871.50	8,471.54	9,914.88	8,846.72	78,051.12
	Attendant/Cashier Labor	6,349.23	6,522.24	7,031.79	7,057.86	6,517.50	6,538.83	6,640.74	7,730.94	6,538.83	7,146.55	6,990.04	6,960.03	82,013.58
	FP&L	73.28	88.02	82.31	85.34	77.11	68.73	64.09	56.51	60.30	60.94	49.38	105.95	871.96
	Elevator Maintenance	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	1,500.00
	Garage Cleaning/Maintenance	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	19,269.00
	12th St. - 2A EXPENSES	13,779.26	13,988.96	12,922.21	14,927.83	13,796.89	13,784.23	13,902.12	15,675.50	15,201.38	17,408.78	18,675.05	17,643.45	181,705.66
12th St. - 2A PROFIT/(LOSS)		13,611.92	13,172.91	19,792.26	19,788.02	19,072.13	35,298.10	19,494.79	19,551.68	15,689.40	17,246.73	16,020.17	7,544.14	216,282.25

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
13th Street Garage - 17A

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	48,388.34	47,130.86	40,100.44	50,649.52	53,792.55	66,648.56	57,641.13	54,078.51	46,663.54	54,472.86	31,909.35	0.00	551,475.66
Revenue-Monthly Permits	480-8000-344527	7,740.00	7,680.00	8,520.00	8,100.00	8,580.00	8,280.00	7,500.00	8,460.00	9,120.00	9,120.00	8,340.00	0.00	91,440.00
13th St. - 17A REVENUE (Sales Tax Excluded)		56,128.34	54,810.86	48,620.44	58,749.52	62,372.55	74,928.56	65,141.13	62,538.51	55,783.54	63,592.86	40,249.35	0.00	642,915.66
Expenses														
Security Personnel		9,865.08	10,533.80	10,736.25	8,648.94	9,770.00	9,855.68	9,779.19	12,638.10	9,865.08	9,993.91	12,346.69	0.00	114,032.72
Attendant/Cashier Labor		15,303.89	15,397.71	15,269.80	15,170.25	15,470.86	15,516.07	15,327.27	15,273.85	15,144.77	15,166.57	18,836.90	0.00	171,897.94
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	935.67	0.00	3,102.37
FP&L		1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	0.00	15,454.78
Revenue Control Equipment Maintenance		0.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	0.00	7,500.00
Elevator Maintenance		737.00	312.00	312.00	312.00	312.00	312.00	170.00	467.18	170.00	279.60	170.00	0.00	3,553.78
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	0.00	4,620.00
Garage Cleaning/Maintenance		1,450.00	1,450.00	1,483.00	1,450.00	1,450.00	1,483.00	1,318.00	1,318.00	1,483.00	1,318.00	1,450.00	0.00	15,653.00
13th St. - 17A EXPENSES		29,397.62	30,485.16	30,592.70	28,372.84	29,794.51	29,958.40	29,388.11	32,468.78	29,454.50	29,569.73	36,314.24	0.00	335,814.59
13th St. - 17A PROFIT/(LOSS)		26,730.72	24,325.70	18,027.74	30,376.68	32,578.04	44,970.16	35,755.02	30,049.73	26,329.04	34,023.13	3,935.11	0.00	307,101.07

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	44,400.00	45,402.69	45,391.52	51,063.89	53,442.14	67,925.37	52,972.45	49,388.78	43,317.00	47,741.10	52,219.62	39,794.83	593,059.39
Revenue-Monthly Permits	480-8000-344527	8,280.00	8,640.00	8,100.00	7,320.00	7,380.00	7,620.00	7,860.00	8,520.00	8,580.00	8,280.00	7,800.00	7,800.00	96,180.00
13th St. - 17A REVENUE (Sales Tax Excluded)		52,680.00	54,042.69	53,491.52	58,383.89	60,822.14	75,545.37	60,832.45	57,908.78	51,897.00	56,021.10	60,019.62	47,594.83	689,239.39
Expenses														
Security Personnel		10,242.93	10,602.13	10,541.72	13,658.91	10,514.70	10,220.71	12,820.10	10,737.48	12,861.21	10,423.37	13,306.82	10,177.97	136,108.05
Attendant/Cashier Labor		14,601.28	21,909.69	14,624.04	15,326.91	14,675.83	14,744.77	14,598.18	14,460.50	21,779.99	14,556.50	14,986.27	15,185.54	191,459.50
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,190.96	1,172.72	1,276.13	1,245.87	2,179.24	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.78
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	239.00	0.00	30.00	0.00	0.00	269.00
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	0.00	0.00	0.00	312.00	624.00	3,139.50	5,899.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	455.00	6,054.62
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,450.00	1,598.50	1,450.00	1,450.00	1,483.00	17,812.50
13th St. - 17A EXPENSES		28,516.02	36,205.39	28,962.74	32,752.54	29,890.62	28,891.31	31,040.11	29,025.81	38,378.53	28,848.52	32,523.74	32,027.66	377,062.99
13th St. - 17A PROFIT/(LOSS)		24,163.98	17,837.30	24,528.78	25,631.35	30,931.52	46,654.06	29,792.34	28,882.97	13,518.47	27,172.58	27,495.88	15,567.17	312,176.40

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
13th Street Garage - 17A

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	44,400.00	45,402.69	45,391.52	51,063.89	53,442.14	67,925.37	52,972.45	49,388.78	43,317.00	47,741.10	52,219.62	39,794.83	593,059.39
Revenue-Monthly Permits	480-8000-344527	8,280.00	8,640.00	8,100.00	7,320.00	7,380.00	7,620.00	7,860.00	8,520.00	8,580.00	8,280.00	7,800.00	7,800.00	96,180.00
	13th St. - 17A REVENUE	52,680.00	54,042.69	53,491.52	58,383.89	60,822.14	75,545.37	60,832.45	57,908.78	51,897.00	56,021.10	60,019.62	47,594.83	689,239.39
(Sales Tax Excluded)														
Expenses														
Security Personnel		10,242.93	10,602.13	10,541.72	13,658.91	10,514.70	10,220.71	12,820.10	10,737.48	12,861.21	10,423.37	13,306.82	10,177.97	136,108.05
Attendant/Cashier Labor		14,601.28	21,909.69	14,624.04	15,326.91	14,675.83	14,744.77	14,598.18	14,460.50	21,779.99	14,556.50	14,996.27	15,185.54	191,459.50
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,150.96	1,172.72	1,276.13	1,245.87	2,179.24	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.78
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	239.00	0.00	30.00	0.00	0.00	269.00
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	0.00	0.00	0.00	312.00	624.00	3,139.50	5,899.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,450.00	1,598.50	1,450.00	1,450.00	1,483.00	17,812.50
	13th St. - 17A EXPENSES	28,516.02	36,205.39	28,962.74	32,752.54	29,890.62	28,891.31	31,040.11	29,025.81	38,378.53	28,848.52	32,523.74	32,027.66	377,062.99
	13th St. -17A PROFIT/(LOSS)	24,163.98	17,837.30	24,528.78	25,631.35	30,931.52	46,654.06	29,792.34	28,882.97	13,518.47	27,172.58	27,495.88	15,567.17	312,176.40

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	35,899.53	39,704.67	48,733.70	54,790.14	54,390.32	77,671.33	59,950.29	54,383.08	47,829.10	49,161.20	53,615.90	40,880.78	617,010.04
Revenue-Monthly Permits	480-8000-344527	9,180.00	8,940.00	8,760.00	8,820.00	8,220.00	7,980.00	7,620.00	7,320.00	8,340.00	7,260.00	7,980.00	8,220.00	98,640.00
	13th St. - 17A REVENUE	45,079.53	48,644.67	57,493.70	63,610.14	62,610.32	85,651.33	67,570.29	61,703.08	56,169.10	56,421.20	61,595.90	49,100.78	715,650.04
(Sales Tax Excluded)														
Expenses														
Security Personnel		7,142.75	7,108.79	7,166.41	7,119.48	6,997.61	7,147.96	7,195.67	8,245.09	8,637.02	10,823.70	12,883.59	11,049.26	101,517.53
Attendant/Cashier Labor		13,937.21	14,172.20	14,461.81	14,696.96	13,857.82	14,075.59	14,164.58	14,765.85	13,999.64	14,581.81	14,755.44	14,789.62	172,258.53
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,280.63	921.48	1,494.51	1,596.48	1,530.93	1,387.84	1,244.67	1,138.47	1,255.03	1,171.78	1,162.33	1,327.70	15,511.85
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	3,648.00
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,206.16
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	17,796.00
	13th St. - 17A EXPENSES	24,881.44	24,723.32	25,643.58	25,933.77	24,907.21	25,132.24	25,125.97	26,670.26	26,412.54	29,098.14	31,322.21	29,687.43	319,538.11
	13th St. -17A PROFIT/(LOSS)	20,198.09	23,921.35	31,850.12	37,676.37	37,703.11	60,519.09	42,444.32	35,032.82	29,756.56	27,323.06	30,273.69	19,413.35	396,111.93

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
16th Street - Anchor Garage**

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	76,425.24	85,206.68	86,298.69	94,582.18	118,038.51	164,273.90	101,423.32	99,099.99	74,747.67	100,624.29	100,280.84	0.00	1,101,001.31
Revenue - Valet	463-8000-344587	20,015.89	20,326.63	26,858.41	14,436.45	37,707.01	20,244.86	13,807.94	20,236.91	21,732.25	28,007.48	37,609.35	0.00	260,983.18
Revenue-Monthly Permits	463-8000-344903	26,750.00	28,200.00	23,050.00	23,550.00	28,100.00	29,494.86	28,300.00	28,200.00	29,100.00	28,250.00	27,800.00	0.00	300,794.86
16th St. Anchor - REVENUE		123,191.13	133,733.31	136,207.10	132,568.63	183,845.52	214,013.62	143,531.26	147,536.90	125,579.92	156,881.77	165,690.19	0.00	1,662,779.35
(Sales Tax Excluded)														
Expenses														
Security Personnel		12,428.89	10,171.83	13,395.77	13,665.72	9,837.47	13,607.43	13,622.77	17,009.29	15,641.13	13,312.95	16,536.88	0.00	149,230.13
Attendant/Cashier Labor		15,887.24	16,050.82	15,831.23	16,378.83	16,584.62	17,423.33	16,028.61	16,430.45	16,116.40	16,122.14	15,889.24	0.00	178,742.91
FP&L		3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	0.00	41,800.00
Revenue Control Equipment Maintenance		775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	1,450.00	775.00	0.00	9,200.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	0.00	4,620.00
Elevator Maintenance		1,278.82	1,743.82	155.00	1,015.32	1,015.32	1,015.32	1,015.32	1,097.97	1,206.47	1,097.97	4,787.13	0.00	15,428.46
Landscape and Lot Maintenance		164.67	152.00	164.67	164.67	164.67	164.67	164.67	152.00	152.00	152.00	190.00	0.00	1,786.02
Garage Cleaning/Maintenance		2,924.40	2,924.00	2,924.00	2,924.00	2,924.00	2,924.00	2,325.40	4,869.00	4,864.00	4,864.00	4,864.00	0.00	59,330.80
Sanitation (Waste Removal)		171.64	171.64	171.43	181.96	181.96	174.34	171.64	179.01	179.01	179.04	179.01	0.00	1,940.68
Fire Alarm Service		250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	346.30	250.00	250.00	0.00	2,846.30
16th St. - Anchor EXPENSES		38,100.66	36,459.11	37,887.10	39,575.50	35,953.04	40,554.09	58,573.41	44,982.72	43,500.31	41,648.10	47,691.26	0.00	484,925.30
16th St. PROFIT/(LOSS)		85,090.47	97,274.20	98,320.00	92,993.13	147,892.48	173,459.53	84,957.85	102,554.18	82,079.61	115,233.67	117,998.93	0.00	1,197,854.05

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41,602.27	78,888.26	78,940.89	60,237.40	259,668.82
Revenue - Valet	463-8000-344587	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,528.04	27,238.32	20,904.67	20,751.40	80,422.43
Revenue-Monthly Permits	463-8000-344903	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	25,400.00	26,250.00	26,300.00	78,050.00
16th St. Anchor - REVENUE		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53,230.31	131,526.58	126,095.56	107,288.80	418,141.25
(Sales Tax Excluded)														
Expenses														
Security Personnel		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,645.65	13,912.95	16,779.23	13,115.19	53,453.02
Attendant/Cashier Labor		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,497.82	15,087.01	15,440.52	17,158.12	59,183.47
FP&L		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,850.00	3,800.00	3,800.00	3,800.00	14,250.00
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	775.00	775.00	775.00	975.00	3,300.00
Armed Guard Revenue Pickup		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	517.18	566.67	525.00	420.00	2,028.85
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,561.00	1,542.74	3,103.74
Landscape and Lot Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00	164.67	164.67	164.67	944.01
Garage Cleaning/Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,657.16	2,924.40	3,024.40	2,924.40	10,530.36
Sanitation (Waste Removal)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	131.25	175.00	168.27	168.71	643.23
Fire Alarm Service		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	180.00	430.00	250.00	250.00	1,110.00
16th St. - Anchor EXPENSES		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	27,704.06	37,835.70	42,488.09	40,518.83	148,546.68
16th St. PROFIT/(LOSS)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,526.25	93,690.88	83,607.47	66,769.97	269,594.57

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
42nd Street Garage - 8A**

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	3,350.48	2,763.56	3,415.88	3,842.04	10,966.37	3,644.84	3,200.92	4,165.41	3,907.46	3,619.65	3,802.80	0.00	46,679.41
Revenue-Monthly Permits	480-8000-344595	34,820.00	34,980.00	35,760.00	33,780.00	35,040.00	35,100.00	35,100.00	34,440.00	34,200.00	34,500.00	24,480.00	0.00	372,000.00
	42nd St. - 8A REVENUE	37,970.48	37,743.56	39,175.88	37,622.04	46,006.37	38,744.84	38,300.92	38,605.41	38,107.46	38,119.65	28,282.80	0.00	418,679.41
	(Sales Tax Excluded)													
Expenses														
Security Personnel		8,206.59	8,797.59	9,113.55	8,728.04	9,214.77	8,245.44	8,245.44	10,306.80	8,245.44	8,245.44	10,294.53	0.00	97,643.63
Attendant/Cashier Labor		3,255.18	3,257.79	3,077.53	2,837.18	4,731.24	3,317.88	3,210.77	3,537.33	3,195.09	3,027.89	4,255.76	0.00	37,703.64
FP&L		1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	0.00	19,865.56
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		536.00	536.00	536.00	536.00	536.00	536.00	430.00	1,190.80	430.00	430.00	430.00	0.00	6,126.80
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	136.00	0.00	0.00	0.00	136.00
Garage Cleaning/Maintenance		1,796.50	1,780.00	1,796.50	1,796.50	1,763.50	1,796.50	1,780.00	1,780.00	1,796.50	1,837.75	1,796.50	0.00	19,720.25
	42nd St. - 8A EXPENSES	15,600.23	16,177.34	16,329.54	15,703.68	18,051.47	15,701.78	15,472.17	18,620.89	15,608.99	15,347.04	18,582.75	0.00	181,195.88
	42nd St. PROFIT/(LOSS)	22,370.25	21,566.22	22,846.34	21,918.36	27,954.90	23,043.06	22,828.75	19,984.52	22,498.47	22,772.61	9,700.05	0.00	237,483.53

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	2,068.55	1,661.97	1,616.89	2,474.77	6,040.17	2,375.90	2,802.80	3,376.65	2,976.64	2,871.04	2,828.05	2,622.43	33,515.86
Revenue-Monthly Permits	480-8000-344595	36,300.00	35,940.00	35,640.00	34,680.00	35,160.00	34,320.00	34,440.00	34,200.00	34,680.00	34,500.00	34,500.00	34,740.00	419,100.00
	42nd St. - 8A REVENUE	38,368.55	37,601.97	37,256.89	37,154.77	41,200.17	36,695.90	37,042.80	37,576.65	37,656.64	37,371.04	37,328.05	37,362.43	452,615.86
	(Sales Tax Excluded)													
Expenses														
Security Personnel		10,877.14	8,244.21	8,143.74	10,305.98	8,690.43	8,230.10	10,989.83	8,988.60	11,395.97	9,140.34	11,484.72	8,883.48	115,374.54
Attendant/Cashier Labor		2,639.24	3,696.43	2,477.56	2,507.41	3,984.97	2,718.84	2,631.78	2,989.97	4,430.24	2,897.94	3,182.84	3,082.75	37,239.97
FP&L		1,539.31	1,459.55	1,341.18	1,510.98	3,178.78	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,671.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	217.50	-217.50	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	536.00	536.00	536.00	536.00	536.00	536.00	3,216.00
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	182.00	0.00	0.00	0.00	182.00
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,796.50	1,796.50	1,780.00	16,936.00
	42nd St. - 8A EXPENSES	16,340.69	14,685.19	13,247.48	15,609.37	17,139.18	14,039.90	17,466.07	15,388.03	19,635.17	16,176.74	18,806.02	16,088.19	194,622.03
	42nd St. PROFIT/(LOSS)	22,027.86	22,916.78	24,009.41	21,545.40	24,060.99	22,656.00	19,576.73	22,188.62	18,021.47	21,194.30	18,522.03	21,274.24	257,993.83

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
42nd Street Garage - 8A**

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	2,068.55	1,661.97	1,616.89	2,474.77	6,040.17	2,375.90	2,602.80	3,376.65	2,976.64	2,871.04	2,828.05	2,622.43	33,515.86
Revenue-Monthly Permits	480-8000-344595	36,300.00	35,940.00	35,640.00	34,680.00	35,160.00	34,320.00	34,440.00	34,200.00	34,680.00	34,500.00	34,500.00	34,740.00	419,100.00
	42nd St. - 8A REVENUE	38,368.55	37,601.97	37,256.89	37,154.77	41,200.17	36,695.90	37,042.80	37,576.65	37,656.64	37,371.04	37,328.05	37,362.43	452,615.86
(Sales Tax Excluded)														
Expenses														
Security Personnel		10,877.14	8,244.21	8,143.74	10,305.98	8,690.43	8,230.10	10,989.83	8,988.60	11,395.97	9,140.34	11,484.72	8,883.48	115,374.54
Attendant/Cashier Labor		2,639.24	3,696.43	2,477.56	2,507.41	3,984.97	2,718.84	2,631.78	2,989.97	4,430.24	2,897.94	3,182.84	3,082.75	37,239.97
FP&L		1,539.31	1,459.55	1,341.18	1,510.98	3,178.78	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,671.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	-217.50	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	536.00	536.00	536.00	536.00	536.00	3,216.00
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,796.50	1,796.50	1,780.00	16,938.00
	42nd St. - 8A EXPENSES	16,340.69	14,685.19	13,247.48	15,609.37	17,139.18	14,039.90	17,466.07	15,388.03	19,635.17	16,176.74	18,806.02	16,088.19	194,622.03
	42nd St. PROFIT/(LOSS)	22,027.86	22,916.78	24,009.41	21,545.40	24,060.99	22,656.00	19,576.73	22,188.62	18,021.47	21,194.30	18,522.03	21,274.24	257,993.83

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LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	1,601.88	1,333.32	1,521.14	1,880.75	12,211.58	1,915.21	2,176.52	3,171.84	1,733.32	2,189.65	2,268.56	1,882.57	33,886.34
Revenue-Monthly Permits	480-8000-344595	21,540.00	19,200.00	19,500.00	18,060.00	16,380.00	17,040.00	18,120.00	17,760.00	18,660.00	18,300.00	36,360.00	35,700.00	256,620.00
	42nd St. - 8A REVENUE	23,141.88	20,533.32	21,021.14	19,940.75	28,591.58	18,955.21	20,296.52	20,931.84	20,393.32	20,489.65	38,628.56	37,582.57	290,506.34
(Sales Tax Excluded)														
Expenses														
Security Personnel		5,790.16	8,179.71	7,737.08	7,429.88	7,516.66	7,530.52	7,766.30	7,628.81	9,240.26	11,182.27	13,105.58	12,017.45	105,126.68
Attendant/Cashier Labor		3,050.19	2,474.28	2,320.23	2,242.02	4,680.24	2,737.35	2,471.91	2,628.33	2,479.02	2,381.85	2,526.02	2,522.32	32,513.76
FP&L		1,471.76	1,480.00	744.79	1,423.20	1,433.94	1,850.98	1,647.89	1,655.88	1,650.65	1,629.72	1,358.53	1,597.13	17,944.47
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	15,420.00
	42nd St. - 8A EXPENSES	11,597.11	13,418.99	12,087.10	12,380.10	14,915.84	13,403.85	13,173.10	13,198.02	14,654.93	16,478.84	18,275.13	17,421.90	171,004.91
	42nd St. PROFIT/(LOSS)	11,544.77	7,114.33	8,934.04	7,560.65	13,675.74	5,551.36	7,123.42	7,733.82	5,738.39	4,010.81	20,353.43	20,160.67	119,501.43

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CITY OF MIAMI BEACH

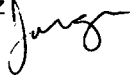
CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
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COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager 

**Subject: STATUS REPORT ON THE REHABILITATION OF THE EXISTING
BUILDING AND CONSTRUCTION OF THE NEW FIRE STATION NO. 2.**

The improvements to Fire Station No. 2 include full historic renovation of the existing building, and construction of a new facility that will include three apparatus bays and living quarters for the fire crews, as well as an Emergency Operations Center.

The 25th Street water storage tanks and pumping station project was added to the Jasco Construction Company (Jasco) Construction Manager at Risk Contract. STA Architectural Group (STA) is the architect/engineer (A/E) for the Fire Station components and Camp Dresser & McKee (CDM) is the A/E for the water tanks/pump station components.

Construction on the Water Tanks and Pumping Station Project began on June 9, 2003. Jasco substantially completed the tanks and pump station on June 16, 2004. The tanks are now in use, and the pumps are working as designed. CDM issued a "punch-list" of items required prior to final completion, and Jasco is currently in the final stages of carrying out the items on this list.

Prior to final completion of the water tanks and pumping station project, two segments of storm drainage must be completed: one to resolve a conflict with an existing force main, and the other, a section that was recently added to provide drainage for a proposed temporary parking area to be used during construction. The C.I.P. Office issued a directive to the contractor to proceed with this work, which is currently under way, and will be completed in November 2004. It should be noted that the unforeseen site condition related to the conflict between the force main and the storm drain has added 120 days to the project.

On November 25, 2003, Jasco presented to the City their Guaranteed Maximum Price (GMP) for the Fire Station portion of the project, which includes the construction of a new fire station, including an Emergency Operations Center (EOC), renovation of the existing building for use as administrative offices, and needed modifications to the site drainage. On December 10, 2003, the Mayor and City Commission approved the GMP in the amount of \$8,096,580, awarded a contract to Jasco, and appropriated the funding necessary to complete the Project.

Construction of the new Fire Station will require the use of a substantial portion of the existing Fire Station parking area, plus an additional area for construction staging. A temporary parking area must be designated for the Fire Department's use during

Agenda Item C
Date 11-10-04

construction. CIP staff is currently coordinating the design of required temporary parking for Fire Department employees, as well as employees of the contractor, and developing arrangements that will be less disruptive to all concerned. Once the temporary parking layout is approved and permitted, the area will be compacted, paved and striped.

Although construction of the new Fire Station building cannot begin until the above-mentioned drainage and temporary parking work is complete, the City will issue a first Notice to Proceed for the Fire Station #2 Project during this time to allow the contractor to schedule pre-construction activities, prepare the project schedule, the submittal schedule, the schedule of values, and to submit the proper bond and insurance. This will allow construction of the Fire Station to commence promptly after completion of the drainage and temporary parking lot work. A groundbreaking ceremony will be scheduled to take place just prior to the beginning of construction activities for the new fire station building.

Construction of the new Fire Station is expected to require 15 months. Following this, renovation of the historic Fire Station building, and its conversion into administrative offices, will require an estimated 13 months to be substantially complete.


JMG/RCM/TBK/JBS/MB

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

Subject: STATUS REPORT ON THE CONSTRUCTION OF FIRE STATION NO. 4

Past Events

The City Commission, on July 2, 2003, issued a directive to the Administration to pursue the Certificate of Appropriateness for Demolition of the existing building. The Historic Preservation Board (HPB) approved a motion to recommend to the City Commission that the building be demolished. The HPB also approved a motion authorizing the revisions to the previously approved new building, and added some requirements with regard to landscaping, breeze block, monument, and curb/swale/sidewalk configuration. On October 15, 2003, the City Commission held a public hearing and voted to approve a Certificate of Appropriateness for the demolition of the fire station.

The seawall restoration at the Fire Station No. 4 site has also been added to the project. On April 14, 2004, the City's Public Works Department confirmed sufficient funding for the costs of the seawall restoration and associated repair scope of work. This portion of the project is being funded in part by the Shoreline and Seawall Rehabilitation Program portion of the General Obligation Bond.

The Designer, Coastal Planning Engineers, has prepared the construction drawings for the seawall restoration and completed the permitting process through both Miami-Dade County DERM and the City's Building Department.

Status Update

The new construction plans were approved by the City's Building Department on June 14, 2004. Carivon Construction has completed the demolition of the existing structure as of July 30, 2004.

On August 4, 2004, the CIP Office issued a Notice-to-Proceed to Carivon (JOC Program Contractor) to initiate the seawall construction. Carivon submitted a schedule that showed mobilization by the end of August, but due to extreme weather conditions (hurricane watches for hurricanes Charlie, Frances, and Ivan), the mobilization to the site was completed on September 23, 2004. The sidewalk along the seawall was removed, in preparation for the mobilization of the barge required to start removing and replacing the wooden piles and boat docks, located by the Police sub-station. Utilizing the barge, Carivon removed most of the docks and some of the wooden piles that need replacement,

N-FS4-02-11102004

Agenda Item D
Date 11-10-04

but this work was stopped, awaiting the Florida Power and Light Company (FPL) to locate and mark an existing, large diameter, fiber optic cable that runs, on the water side, along the seawall, very close to the work area. It is important to exactly locate the cable to avoid any damages to it. FPL is to complete the marking by October 27, 2004. Because this is an unforeseen condition, Carivon is revisiting the construction schedule including activities that can be done around the cable. The scope of this portion of the Project is expected to complete the repairs within 140 calendar days.

In the meantime, Carivon has submitted a proposal for the new building, which has been negotiated by the City and its Consultants. A First Notice-to-Proceed for this portion of the Project was issued on October 1, 2004, which will allow Carivon to obtain building permits and prepare all the required schedules. Carivon has already submitted a permit application to the CIP Office that will be submitted to the City's Building Department, a list of subcontractors, a schedule of values, and a Critical Path Method (CPM) time table. These documents are being reviewed, for approval, by the City and its consultants. Some comments have already been issued to Carivon. This phase, including the acceptance by the City of all documents, should take a maximum of 45 calendar days or through November 15, 2004. Once completed and agreed to, the CIP Office will issue a Second Notice-to-Proceed, which will then require mobilization and commencement of work.

The Project's construction groundbreaking ceremony was held on October 13, 2004, with the attendance of the City Mayor and Commissioners, the City Manager, and members of the Administration.


JMG/BCM/TH/ar

T:\AGENDA\2004\Nove1004\Regular\Fire Station No. 4 Status Report 111004.doc

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

Handwritten signature of Jorge M. Gonzalez.

Subject: INFORMATIONAL REPORT TO THE MAYOR AND CITY COMMISSION, ON FEDERAL, STATE, MIAMI-DADE COUNTY, U.S. COMMUNITIES, AND ALL EXISTING CITY CONTRACTS FOR RENEWAL OR EXTENSIONS IN THE NEXT 180 DAYS.

The City Commission adopted Resolution No. 2000-24141, which provided that all existing city contracts for renewal or extensions, which by their terms or pursuant to change orders exceed \$10,000, and all extensions or renewals of such contracts, shall be presented as an informational report to the Mayor and City Commission, at least 180 days prior to the contract extension or renewal date. Subsequent thereto, the City Commission adopted Resolution No. 2001-24332, changing the reporting requirement from \$10,000 to \$25,000.

The administration in addition to reporting on all existing City contracts, will now report information relative to Miami-Dade County, State of Florida, U.S. Communities and Federal GSA contracts that are approved for utilization by the City Manager. Pursuant to information contained in Miami-Dade County, State of Florida, U.S. Communities and Federal General Services Administration (GSA) bid list, the following are contracts that will expire within the next 180 days:

	DESCRIPTION	VENDOR	EXPIRATION DATE	RENEWAL TERMS
1.	Leasing and Management of the Retail Component of the Anchor Shops and Parking Garage	Miami Beach Community Development Corporation (MBCDC) in association with the Felenstein Koniver Stern Realty Group (FKS)	05/30/2005	None
2.	TO PROVIDE GROUNDS MAINTENANCE SERVICES	Environmental Everglades	05/27/2005	2 years option to renew.

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AGENDA ITEM E
DATE 11-10-04

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**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

TO: JORGE GONZALEZ
CITY MANAGER

CC: MAYOR & COMMISSIONERS

FROM: RICHARD STEINBERG *RLS/DM*
VICE MAYOR

DATE: October 22, 2004

RE: For Your Information- Miami Dade Homeless Trust Board
September 24, 2004 Meeting Minutes

Attached please find the minutes for the September 24th meeting of the Miami Dade Homeless Trust Board for your information and review.

RLS/dm

RECEIVED
2004 OCT 22 PM 3:11
CITY MANAGERS OFFICE
BY _____

Agenda Item F1
Date 11-10-04

**MIAMI-DADE COUNTY HOMELESS TRUST
TRUST BOARD MEETING MINUTES
SEPTEMBER 24, 2004**

The following members were in attendance:

Ronald L. Book, Esq., Finance Chairman
Elizabeth Von Werne for Daniel Alvarez
Pauline Clarke-Trotman
Olga Golik for Yvonne Grassie, Esq.,
Karen Mahar
Michael Cox for Gonzálo DeRamón
Tim Coffey for Judge Steven Leifman
Claudia Sandoval for Dr. Rudolph Crew
Shelley Llorente

Cleveland Bell, III
Arthur Fournier, M.D.
Councilwoman Daisy Black
Kametra Driver
David Mulder
Commissioner Richard Steinberg
Ralph Egües, Jr.
Rondy Johnson
Lauren Lazarus, Esq., for Judge Jeffrey Rosinek

The following persons were in attendance:

Nan Roman	Dr. Peter Ledecy	Cesar Deville
Howard Rubin	Roger Bello	Julie Edwards
Manny Sarria	Alina Pérez-Stable	David Raymond
Ben Burton	Cristina Garcia-Menocal	Cynthia Johnson Stacks, Esq.
Mark Buchbinder	Chuck Resnick	Maggie Olano
Alicia Apfel, Esq.	Barbara Golphin	

I. WELCOME AND INTRODUCTIONS

Mr. Ronald Book called the meeting to order at 11:39 a.m. and proceeded to consider the meeting agenda.

II. APPROVAL OF MINUTES

Mr. Book inquired if there were any questions or comments concerning the July meeting minutes. made a motion to approve the July minutes. seconded the motion. All members present approved the minutes unanimously.

III. LEGISLATIVE BUDGET REQUESTS

David Raymond stated that staff was presented with the opportunity to present the State and Federal Budget requests through the County Intergovernmental Affairs office. The requests are outlined in the meeting material. The request consists of one million dollars for long-term supportive housing for people transitioning out of short terms programs that was funded through last year's State Legislative Budget Request at a \$320,000 funding level. David explained the main components of these requests includes the elimination of the cash match requirement for providers at the Federal level and employ cross systems data in order to reduce service cost and fulfill this requirement through mainstream resources. These requests previously received approval from the Finance and Audit Committee and the Trust Board last year. David briefly stated the advocatorial efforts of staff and its partners and stated that Nan Roman of the National Council on Homelessness also supports this position and is present today to make a presentation. Mr. Ralph Egues made a motion to ratify staff recommendations as outlined in both State and Federal Legislative Requests. Ms. Elizabeth Von Werne seconded the motion. All members present approved the motion set forth unanimously.

Mr. Book commented on the state of emergency of Florida due to the recent storms and the financial impact that it will have on the State budget. Dr. Arthur Fournier asked for clarification of the funds allocation and that perhaps there could be Medicaid drawn down from the Federal government. There was some discussion concerning this concept and David added that the Medicaid capitation will negatively affect services.

IV. PRIMARY CARE FUNDING RECOMMENDATIONS – RATIFICATION

(During the presentation of the agenda item Elizabeth Von Werne, Pauline Clarke-Trotman, Rondy Johnson recused themselves) David Raymond stated that as members may recall, last year staff recommended and the Board approved the Selection Committee's recommendation to enter into one-year contracts with the selected

agencies, containing provision for two (2) one-year extensions, pending the availability of funds and performance reviews. Last year language modifications were made and the Board set policy that agencies with a utilization rate of 90% or below would have their funding reduced accordingly. This year, agencies at a utilization rate of 95% or greater will be funded for an additional year, beginning October 1, 2004 through September 30, 2005. All contract renewals will include a 3% increase. This is based on an analysis done of performance, utilization, and expenditure of the agencies during the course of the past year. David referred members and guests to the spreadsheets in the meeting package and reviewed the utilization data that includes the outcome measures with the corresponding figures. Staff recommends that:

- The non-treatment transitional housing programs be funded for a six-month term, beginning October 1, 2004
- Agencies that are operating at or above 95% utilization be fully funded for one additional year
- Agencies that are operating below 95% utilization have their funding reduced to their current utilization rate
- All contracts include a 3% cost of living increase.
- The recaptured funding (approx. \$33,000) be re-allocated to interested providers performing at a 95% utilization rate via a Request for Application (RFA) to be issued in the coming months for Outreach and Housing First Services.

David announced that the first workgroup to structure the Housing First model will meet in the first weeks of October. There was a brief discussion among members concerning the performance-based concept. These recommendations have been approved at the Executive Committee meeting. At this time, staff is seeking ratification of the Executive Committee's approval of these recommendations and associated conditions (*due to additional Board members and designees joining the meeting, the item received ratification without the need to bifurcate this item*). Mr. Ralph Egües made a motion to ratify funding recommendations approved by the Executive Committee as stated. Mr. Dr. Arthur Fournier seconded the motion. All members present approved the motion set forth unanimously (*Elizabeth Von Werne, Pauline Clarke-Trotman, Rony Johnson rejoined the meeting*).

V. NAN ROMAN – NATIONAL ALLIANCE TO END HOMELESSNESS

David Raymond introduced Nan Roman, President of the National Alliance to End Homelessness based in Washington D.C., who is here in South Florida as a guest speaker at the Broward Homeless Conference, and wished to speak here to parties involved in the homeless continuum. Prior to this meeting there was a productive focus group meeting with Ms. Roman. Ms. Roman thanked David and the Board and by way of introduction stated that as many are aware, the National Alliance has been advocating for the homeless population across the country since 1983. The Alliance has raised awareness by building communication and educating communities and local governments on addressing homelessness issues. As far as the Federal government's financial projections relative to its funding for housing programs and services, it is anticipated that it will not be as favorable for homeless continuums. The Alliance expects that the funding levels will not meet the needs of communities due to present foreign policies having priority over domestic spending. However, it is encouraging that so many communities across the country have homeless plans and continuums in place with effectiveness and prevention focuses in place. Although, this is a difficult field, the efforts of caring people and good, solid partnerships such as this community all help to win small victories everyday. Ms. Roman offered her support and assistance to the continuum and congratulated the County, partnerships such as CPHI and the Miami Coalition, and provider community efforts. Mr. Book thanked Ms. Roman for her visit and input, and stated that although there are self-evaluations, it is good to hear from and of outside communities. This Trust and the community are always welcome to new ideas and innovations.

VI. HOMELESS CENSUS MULTIPLIER DISCUSSION

David Raymond provided some background of previous discussions on the issue of eliminating the multiplier in the homeless census tabulation. Staff has been examining other community counting methods and the accuracy and purpose of our own system. Although staff realizes that some additional training and resources have to be implemented in order for a real time count to be accurate as possible, especially in the southern portion of the County, there are many factors indicative that the multiplier is an obsolete formula that should be eliminated.

- ✧ Funding sources and advocacy entities are strongly recommending its elimination
 - * Specifically, HUD does not want the multiplier
 - * HUD is mandating counts at the end of January
 - * State Office on Homelessness agree with this position
 - * Florida Coalition of the Homeless Board voted for unduplicated, straight counts
 - * National Alliance to End Homelessness supports this position
- ✧ Improvements since the inception of the multiplier
 - * Number of staff, volunteers, law enforcement of different areas participating and cooperating has doubled
 - * Better expertise, training, and resources to identify homeless populations
 - * Local university students
 - * Expanded law enforcement involvement
- ✧ Explanation of the census is confusing to public and media

David reported that, as instructed he contacted communities around the U.S.; based on direction from Nan and found that the vast majority are not using a multiplier. There was a synergetic discussion among members where there was concern expressed regarding the elimination of the multiplier without more analysis, planning, perhaps even a trial period. The main concerns discussed at length were:

- 1) Physical impossibility to count everyone; people are in isolated, deserted areas and are not visible such as, abandoned buildings, bushes, etc.
- 2) Counting results will give a false impression to public and funding sources and have a negative impact
- 3) Cannot eliminate multiplier without a plan in place; a trial count should be done first

Ms. Roman weighed in that this is a local decision, but the use of a multiplier seems obsolete. David added that he spoke with the two leading researchers in this field: Marti Burt and Dennis Culhane who both said a multiplier was a relic. Ron added that we have always been cutting edge and should continue to so by not using a multiplier if that is the trend. Following an extensive dialogue on the matter, Dr. Fournier made a motion to eliminate the multiplier that future counting data reflect the straight count and clarify that prior data collections included a multiplier formula adopted based on a Barry University Study. Commissioner Steinberg seconded the motion. The motion was withdrawn after additional discussion.

Ms. Elizabeth Von Werne made a motion to present the counting methodology issue to the Services Development Committee or a newly created committee for the purpose of thoroughly reviewing the counting change with emphasis in South Dade, the invitation extended to all providers and outreach teams from the entire County for input. Mr. Ralph Egues seconded the motion. All members present approved the motion set forth unanimously.

Dr. Fournier made a motion to eliminate the multiplier contingent upon the Services Development Committee recommendation and additionally that future counting data reflect the straight count and clarify that prior data collections included a multiplier formula. Commissioner Steinberg seconded the motion. . There were fifteen votes in favor and four (4) votes against. The motion carried.

VII. CPHI REPORT

Mr. Dan Vincent announced a 66.7% outplacement at the Chapman Center (North HAC), a 72.02% at the South HAC, 98.9% combined, and a Life-to-Date outplacement of 58.47% as of August 31, 2004. The admission threshold has reached 43,000 and 23,000 for successful outplacement. Fifty-six tables have been sold for the October 22nd Fundraising Gala. There were 170 emergency placements and 400 people served during Hurricane Frances. There was some inquiry and discussion as to the number of admissions that are duplicate admissions. Mr. Book instructed staff to prepare a summary containing the following information for review:

- ✓ Total amount of money over the life of the Trust expended on duplicate admissions; including accumulative amounts
- ✓ Annual number of people served each year and duplicate admissions

- ✓ Funds that are budgeted and expended in the continuum as well as CPHI

APPLE TREE PERSPECTIVE REPORT

Mr. Book commended Ms. Apfel for the housing report this month. There is a self explanatory memo in the meeting package for review. Any questions or comments can be directed to the Homeless Trust Office. Ms. Apfel added that if members will note there has been a format change to the report wherein she is making recommendations to the Trust to move projects forward and that perhaps an action would be necessary by the Board to accept this format. Mr. Johnson made a motion to adopt the report format. Commissioner Steinberg seconded the motion. The motion passed unanimously (*Karen Mahar was recused*).

IX. ECONOMIC INDICATOR REPORT

Tax Collection Report for the Most Recent Collection Period: David Raymond referred members to the memo in the meeting package and stated there was an 11.6% increase in tax earnings for the month of August 2004 (as compared to the same period last year). Although unsure of the effect of the storms on the tax, staff expects that the year will finish in a very positive position.

X. EXECUTIVE DIRECTOR'S REPORT

David Raymond made the following announcements and/or updates:

Alliance for Human Services: Mr. Mark Buchbinder is the new director for the Alliance. David thanked him for his leadership at the HUD Office and is looking forward to it again in his new role.

Hurricane Preparedness: The continuum is ready for impending storms. All preparations are being made with no major obstacles.

General Obligation Bond: Information passed out. Staff would like to remind everyone that there is \$15 million request to build permanent supportive housing in question #7. We encourage everyone to vote this upcoming election.

OCED Funding: Received a \$2 million homeless set aside.

Joint CPHI and Trust Board Retreat: Will be held on November 19th.

Florida Coalition on Homelessness Conference: Will be held on October 4th and 5th in Tampa, Florida, we encourage everyone to attend.

Villa Aurora: Ms. Maria Barcus, has proposed to change the design and convert this project to a fifty (50) unit apartment building for transitional and permanent housing (14 transitional and 26 permanent, and Head Start program on the first floor). Ms. Barcus will prepare the application of tax credits. There will be some financial shifting to make this possible, including the return of FEMA funds. This matter will go back to the County Commission for approval.

Homeless/Formerly Homeless Forum: Mr. Rondy Johnson announced that on September 29, 2004 they will have their first broadcast. The program will air every Tuesday and Thursday at 9 a.m. and 5 p.m. on the Miami-Dade Cable TAP network.

XI. OTHER ITEMS

Homeless Helpline: Ms. Von Werne inquired as to the possibility of getting outcome measurement from the help line linked into the HMIS. David stated that there have been some discussion concerning having the County's new 311 collect this data for us. David will provide an update when available.

Mr. Mark Buchbinder of U.S. HUD: Mr. Ron Book announced that this would be Mr. Buchbinder's last official meeting on behalf of the HUD, and on behalf of the Board would like to thank Mr. Buchbinder for this dedication, commitment, and contribution to this community.

Mr. Book inquired if there was any further business, not being any, the meeting was adjourned at 12:09 p.m.

Ronald L. Book, Esq., Finance Chairman


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CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: MAYOR AND COMMISSIONERS

CC: JORGE GONZALEZ
CITY MANAGER

FROM: MATTI H. BOWER 
COMMISSIONER

DATE: November 3, 2004

RE: For Your Information-Provided by the Miami Beach Transportation
Management Association, Inc.

Attached please find the minutes of the September 20, 2004 Executive Board Meeting and the agenda for the upcoming November 8, 2004 meeting.

MB/lw

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Agenda Item F2
Date 11-10-04

Miami Beach TMA

Minutes of the September 20, 2004 Board Meeting - Miami Beach Convention Center

Attendees

Present:

Erika Brigham, MBT&PC
Ed Carson, FDOT
Steve Clark, MB Convention Center
Marlo Courtney, Ocean Drive Association
Judy Evans, MBTMA
Elise Lipoff Mayer, Mt. Sinai Medical Center
Maria Paulsen, Colonial Bank
Gerald K. Schwartz, MBCOM
Rebecca Schwartz, MBTMA
David Vaughan, MBCDC
Robert Warren, Lincoln Road Association
Jeff Bechdel, MBTMA

Excused:

Fred Beckmann
Lynn Bernstein
Carl Filer
Saul Francis
Jesus Guerra
Amelia Johnson

Unexcused:

Commissioner Bower
Randy Hilliard
Syed Zafar
Jim Udvardy

Proceedings

The meeting sign-in-sheet is attached and incorporated into the Minutes as the official record of those in attendance. The Board Meeting was held at the Miami Beach Convention Center 4th Floor, Conference Room, Miami Beach, Florida and was chaired by Gerald K. Schwartz, Miami Beach TMA President.

The meeting was called to order at Noon and Mr. Schwartz introduced Maria Paulsen Branch Sales Manager of Colonial Bank. Ms. Paulsen will serve on the Board of Directors as Treasurer.

Mr. Vaughan suggested some changes to the May 2004 Board Meeting minutes. All changes have been made and e-mailed to Board Members.

Robert Warren suggested that Erika Brigham be represented on the TMA Board of Directors as a member of the City of Miami Beach's Transportation and Parking Committee.

Ms. Paulsen (Colonial Bank) presented an overview of the TMA's Financial Reports for May, June, July and August 2004. She stated that the finances are in good order; and Ms. Schwartz advised the Board the TMA is under budget.

Mr. Vaughan asked for clarification on several expense line items, including depreciation of the buses. Ms. Evans explained the buses do not belong to the TMA, but rather to the City of Miami Beach. Ms. Evans also explained that the depreciation shown on the balance sheet is from three accounts: the TMA Office Account, the Electrowave Account and the Electrowave Management Account.

Ms. Evans advised the Board that the Electrowave Account closed last year with a balance of a little over \$200,000, which was returned to the City of Miami Beach. This year, the TMA will use the remaining \$140,680 funds in the account to purchase:

Miami Beach TMA Board Meeting Minutes

September 20, 2004

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- 3 automatic counter systems ("APCs") for \$44,550 for 3 electric buses,
- 4 battery sets for \$46,040 for the remaining buses,
- \$10,000 for 5 'wraps' (i.e., new artwork)

Three sets of batteries will arrive in four weeks and the remaining set is to arrive in six weeks. The APC's will arrive in 6 weeks.

Mr. Courtney asked about the bus wraps. Mr. Bechdel advised the Board that he had received the last bid just this morning, with the lowest bid coming from a Ft. Myers, Florida-based company. Ms. Evans explained that the bus wraps will be here in 3-4 weeks, are installed one bus at a time and that the Ft. Myers company will come here to do the work.

Mr. Schwartz asked when the new bus designs will be ready. Mr. Bechdel distributed photos of the new bus designs and logo. The front of the bus will carry the words "The Local" and re: Group will select the precise 'hue' of the purple/blue color of the bus exteriors.

Mr. Warren, Ms. Brigham and Ms. Lipoff expressed some concern over the new designs which they believe are sexist. (The design incorporates a bikini top.) Sunglasses were then suggested, in place of the bikini top.

Mr. Courtney suggested contacting Scott Hauman from re:group by telephone to discuss the bus wraps and that Mr. Hauman was given final say over the wraps. Mr. Hauman was indeed reached by telephone and advised Mr. Courtney that the version of the wraps distributed at the meeting is the one that the selection committee chose. After discussion, it was decided that the Board likes the bus design, but not the logo.

Ms. Evans reviewed the Electrowave Report, 2003-2004, advising that there was a 16.4% ridership increase this year and that the passenger count is continuing to climb. Farebox revenues were \$85,595 during FY 2002-2003 falling to \$78,290 in FY 2003-2004. On July 21, 2004 Miami Dade County implemented a third free bus ride program titled the "Patriot Pass" and this of course has impacted revenue collection. The TMA also ran several 'Park and Ride' projects this year, which were very successful in increasing ridership and introducing the Electrowave to new users. Mr. Bechdel has been working to promote 'Transportation days' with various entities and has been setting up Transportation programs with hotels in Miami Beach. Following Elise's help, Mr. Bechdel has also been given access Mt. Sinai Hospital employees to see if they would be interested in car pooling.

Ms. Evans advised the Board that she expects that the City of Miami Beach will contract with the TMA to operate and manage the Electrowave again in 2004-2005, which will be funded by a million dollar transfer of funds from Parking Enterprise Funds and \$500,000 from the PTP Fund (County Transit Surtax Funds), both from the City of Miami Beach; along with funds from FDOT that are remaining and from farebox revenues.

Ms. Evans advised the Board she was able to obtain the final draft of the study undertaken by CUTR for Miami Dade Transit ("MDT") on the possible takeover of the Electrowave by MDT. Ms. Evans also advised the Board that the City Manager and staff are meeting with Miami Dade

Miami Beach TMA Board Meeting Minutes

September 20, 2004

Page - 3-

Transit to discuss the City taking over the W bus route, as long as MDT provided the City with the funds currently used by MDT to run the W Route. The City is also approving its 2004-2005 budget, which is based on the TMA operating 6 diesel and 1 electric bus. The TMA will operate 7 electric buses for six months and then will operate 6 diesel and 1 electric bus. If the TMA were to take over the W Route, it would use County buses until additional buses are purchased. City Commissioners will vote on the purchase of six Daimler Chrysler commercial buses at the October 13, 2004 City Commission Meeting.

Mr. Schwartz advised the Board he thought that the City should involve the TMA Board when making decisions on the Electrowave. The TMA has run the system for eight years and it operates very efficiently. The only time that the operation did not run smoothly was when the City maintained the buses. The City has delayed the TMAs' purchase of new rolling stock for almost two years and now the City Manager is meeting with the County to discuss various options related to the operation, and the TMA Board has not been invited to participate in these discussions!

Mr. Courtney advised the Board he will put pressure on the City, in any way that he can, to involve the TMA Board. Mr. Courtney also stated that he believed that everyone should 'think positively', that the City will continue to allow the TMA to run the bus system; and that all Board Members should attend the City Commission Meeting on October 13, 2004. Mr. Courtney suggested that the TMA work up information on how much it will cost to operate electric buses per passenger mile vs .diesel ones; along with information on approximately how much the TMA will save with introduction of the diesel buses.

Mr. Vaughan suggested that the TMA's Electrowave information brochures also be made available in Italian, along with the other foreign languages in which they are already provided.

Mr. Schwartz thanked everyone for attending the Board Meeting.

Other business

There is a special City of Miami Beach Commission Meeting on Tuesday, September 28, 2004 at 5pm.

There being no other business, the meeting was adjourned at 1:45 pm.

The next Board Meeting will be Monday, November 8, 2004.

Minutes recorded, transcribed and submitted by:

Roz Zuccone
Administrative Assistant
MBTMA

EXECUTIVE BOARD MEETING

Miami Beach Transportation Management Association, Inc.

Monday, November 8, 2004

Miami Beach Convention Center

4th Floor Conference Room

AGENDA

ROLL CALL: MBTMA Board & Ex-Officio Members

REPORTS:

1. Approval of Board Meeting Minutes for Sept. 2004 - Vaughn
2. Approval of Financial Reports for Sept. & Oct. 2004 - Paulsen

DISCUSSIONS/DECISIONS:

1. Status Report Regarding Negotiations Between City and MDT (Related to MDT taking over operations of the shuttle.) - Beckmann
2. Bus Procurement Status Report - Beckmann
3. Redesign of "The Local" logo and final bus wrap colors - Evans/Bechdel
4. Where
Do We Go
From
Here??? -
Schwartz/Evans

SPECIAL PRESENTATION:

AUTOMATIC PASSENGER COUNTERS

During Fiscal Year 2003/04 the MBTMA was directed by the City Commission to research and look into technology that would automatically count passenger boardings at stops during service hours. A considerable amount of time was spent securing information and speaking with transit operators that had systems in place that could address the advantages and disadvantages. Several University studies had also been conducted and were used as a resource. As a result of the information collected the recommended bid going before City Commission for 6 new buses includes Clever

Devices APC equipment (plus hardware required to operate the entire system). Utilizing remaining FY03/04 funds the MBTMA has been able to purchase three (3) of these systems for installation in 3 of our newer electric shuttle buses. Mr. Kyle Lomax, of CLEVER DEVICES will be demonstrating the entire system at our meeting.